

The PRESIDENT pro tempore. It will go over.

Mr. MYERS. I will say to the Senator from Utah that I should like very much to get the bill up and have it considered on its merits. Of course, I can see that possibly there may be some opposition to it, and I should like, if there be any, to have it thrashed out and have the bill take its chance of passage.

Mr. SMOOT. I call the Senator's attention to a fact he must know, that there are a number of members of the Committee on Public Lands who desire to make a statement upon this particular bill. They are not present in the Chamber at this time, and I know the Senator will not insist upon the consideration of the bill under those circumstances.

Mr. MYERS. Oh, no; certainly not.

Mr. SMOOT. It was for that reason that I objected to its consideration now.

I wish to say to the Senator that I am perfectly willing, as far as I am personally concerned, to state my objection to the bill in the Senate and place myself on record, and then let the Senate vote upon it; and I believe that is the sentiment of all the Senators on the committee who were opposed to the bill. But I know there are two Senators on the committee, who have expressed themselves as I have now done, who are not in the Chamber, and therefore I do not believe that the Senator will ask for the consideration of the bill to-day.

Mr. MYERS. That is agreeable.

I would ask unanimous consent, then, that the bill be made a special order for next Monday, immediately after the close of the morning business. That would give notice to all interested. Would there be any objection to that?

Mr. SMOOT. I really do not believe unanimous consent ought to be asked in the absence of those Senators. I believe the Senator will make just as much headway by letting the Senators have a chance to make their statement and then vote upon the bill. The Senator knows that there is no disposition on the part of any members of the committee to hold up the bill. Everyone expressed himself in committee to that effect. I do not believe the Senator will have any trouble whatever in getting a vote upon the bill.

Mr. MYERS. I want them all to have an opportunity to be heard upon it. I will not ask unanimous consent, then, as that might not be proper under the circumstances, but I will simply give notice that next Monday, at the conclusion of the morning business, I shall call up this bill and ask for its consideration. I do not ask for unanimous consent, but I merely give notice now that I shall at that time call it up and ask to have it considered.

The PRESIDENT pro tempore. The bill goes over under objection.

Mr. LODGE. That concludes the calendar?

The PRESIDENT pro tempore. It concludes the calendar.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 2 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 24, 1913, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 23, 1913.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, touch the dominant chords of our hearts with Thy skillful hand that they may respond to the music of Thy love and good will, that we may make for peace and happiness to all with whom we come in contact as we pass along the King's highway, and at its end receive Thine approving smile. And songs of praises we will ever give to Thee in the spirit of the Master. Amen.

APPROVAL OF THE JOURNAL.

The SPEAKER. The Clerk will read the Journal.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. ASHBROOK. Mr. Speaker, I move a call of the House. The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Aiken, S. C.	George	Lafean	Randell, Tex.
Ames	Gill	Lamb	Redfield
Ansberry	Gillett	Langham	Reyburn
Barchfeld	Glass	Legare	Richardson
Berger	Goeke	Lewis	Rodenberg
Brantley	Goldfogle	Lindsay	Rucker, Colo.
Broussard	Graham	Littleton	Sabath
Burke, Pa.	Gudger	Longworth	Sells
Burnett	Guernsey	Loud	Sheppard
Carlin	Hamill	McGuire, Okla.	Slemp
Carter	Hammond	McKellar	Sloan
Conry	Hardwick	McKinley	Smith, J. M. C.
Copley	Harris	McMorran	Smith, Cal.
Covington	Harrison, N. Y.	Maher	Smith, N. Y.
Crago	Hayes	Martin, Colo.	Speer
Daugherty	Herald	Matthews	Stack
Davis, Minn.	Helgesen	Moon, Pa.	Stephens, Nebr.
De Forest	Henry, Tex.	Needham	Sulloway
Dickson, Miss.	Hill	Oldfield	Thistlewood
Dixon, Ind.	Howard	O'Shaunessy	Tilson
Driscoll, M. E.	Howell	Palmer	Underwood
Dupré	Hughes, W. Va.	Parran	Vreeland
Ellerbe	Hull	Patten, N. Y.	Weeks
Estopinal	Jackson	Payne	Whitacre
Fairchild	James	Pepper	Wilson, Ill.
Fields	Kent	Peters	Wilson, N. Y.
Focht	Kindred	Prouty	Woods, Iowa.
Fordney	Kitchin	Pujo	
Fornes	Konig	Rainey	

The SPEAKER. Two hundred and sixty-nine Members have answered to their names—a quorum.

Mr. FITZGERALD. Mr. Speaker, I move to dispense with further proceedings under the call.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The question is on the motion of the gentleman from Kentucky, to dispense with further proceedings under the call.

Mr. MANN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Gentlemen in the aisles will take their seats and the Sergeant at Arms will keep these aisles clear during this filibuster. [Applause.] The Clerk will call the roll.

The question was taken; and there were—yeas 256, nays 3, answered "present" 4, not voting 120, as follows:

YEAS—256.

Adair	Davenport	Hardy	Magnire, Nebr.
Adamson	Davidson	Harrison, Miss.	Martin, S. Dak.
Ainey	Davis, W. Va.	Hart	Mays
Akin, N. Y.	Dent	Hartman	Miller
Alexander	Denver	Haugen	Mondell
Allen	Dickinson	Hawley	Moon, Tenn.
Anderson	Dickson, Miss.	Hay	Moore, Pa.
Andrus	Dies	Hayden	Moore, Tex.
Anthony	Difenderfer	Heflin	Morgan, Ia.
Ashbrook	Dodds	Helm	Morgan, Okla.
Austin	Donohoe	Henry, Conn.	Morrison
Ayres	Doremus	Hensley	Moss, Ind.
Barchfeld	Doughton	Higgins	Mott
Barnhart	Draper	Hinds	Murdock
Bartholdt	Driscoll, D. A.	Hobson	Necley
Bartlett	Dyer	Holland	Norris
Bates	Ellerbe	Houston	Nye
Bathrick	Esch	Howell	Olmsted
Beall, Tex.	Evans	Howland	Padgett
Bell, Ga.	Fairchild	Hughes, Ga.	Page
Blackmon	Falson	Humphrey, Wash.	Parran
Boehne	Farr	Humphreys, Miss.	Patton, Pa.
Booher	Fergusson	Jacoway	Pepper
Borland	Ferris	Johnson, Ky.	Pickett
Brown	Finley	Johnson, S. C.	Plumley
Browning	Fitzgerald	Jones	Porter
Buchanan	Flood, Va.	Kendall	Post
Bulkeley	Floyd, Ark.	Kennedy	Pou
Burgess	Foss	Kinkaid, Nebr.	Powers
Burke, S. Dak.	Foster	Kinkead, N. J.	Pray
Burke, Wis.	Fowler	Knowland	Prince
Burleson	Francis	Kopp	Raker
Butler	French	Korby	Ransdell, Ia.
Byrnes, S. C.	Fuller	Lafferty	Rauch
Byrns, Tenn.	Gallagher	Langley	Rees
Calder	Gardner, Mass.	Lawrence	Reilly
Callaway	Garner	Lee, Ga.	Riordan
Campbell	Garrett	Lee, Pa.	Roberts, Mass.
Candler	Gill	Lenroot	Roberts, Nev.
Cannon	Godwin, N. C.	Lever	Roddenbery
Cantrill	Good	Levy	Rothermel
Cary	Goodwin, Ark.	Linthicum	Rouse
Clark, Fla.	Gould	Littlepage	Rubey
Claypool	Graham	Lloyd	Rucker, Colo.
Clayton	Gray	Lobeck	Rucker, Mo.
Cline	Greene, Mass.	McCoy	Russell
Collier	Greene, Va.	McCreary	Saunders
Cooper	Gregg, Pa.	McDermott	Scott
Cox	Gregg, Tex.	McGillieuddy	Scully
Cravens	Griest	McKenzie	Sharp
Cullop	Hamill	McKinney	Sherley
Curley	Hamilton, Mich.	McLaughlin	Sherwood
Currier	Hamilton, W. Va.	Macon	Simmons
Curry	Hamlin	Madden	Sims

Sisson	Stephens, Miss.	Taylor, Ohio	Watkins
Sloan	Stephens, Tex.	Thayer	White
Small	Sterling	Thomas	Wilder
Smith, Saml. W.	Stone	Townsend	Willis
Smith, N. Y.	Sweet	Tribble	Wilson, Pa.
Smith, Tex.	Switzer	Turnbull	Witherspoon
Sparkman	Taggart	Tuttle	Wood, N. J.
Stanley	Talbott, Md.	Underhill	Young, Kans.
Stedman	Talcott, N. Y.	Vare	Young, Mich.
Steenerson	Taylor, Ala.	Volstead	Young, Tex.

NAYS—3.

Dalzell La Follette Stevens, Minn.

ANSWERED "PRESENT"—4.

Dwight McCall Mann Murray

NOT VOTING—120.

Aiken, S. C.	George	Langham	Redfield
Ames	Gillett	Legare	Reynolds
Ansberry	Glass	Lewis	Richardson
Berger	Goeke	Lindbergh	Rodenberg
Bradley	Goldfogle	Lindsay	Sabath
Brantley	Green, Iowa	Littleton	Sells
Broussard	Gudger	Longworth	Shackelford
Burke, Pa.	Guernsey	Loud	Sheppard
Burnett	Hammond	McGuire, Okla.	Slayden
Carlin	Hardwick	McKellar	Slemp
Carter	Harris	McKinley	Smith, J. M. C.
Conry	Harrison, N. Y.	McMorran	Smith, Cal.
Copley	Hayes	Maher	Speer
Covington	Head	Martin, Colo.	Stack
Crago	Helgesen	Matthews	Stephens, Cal.
Crumpacker	Henry, Tex.	Merritt	Stephens, Nebr.
Danforth	Hill	Moon, Pa.	Sulloway
Daugherty	Howard	Morse, Wis.	Taylor, Colo.
Davis, Minn.	Hughes, W. Va.	Needham	Thistlewood
De Forest	Hull	Nelson	Tilson
Dixon, Ind.	Jackson	Oldfield	Towner
Driscoll, M. E.	James	O'Shaunessy	Underwood
Dupré	Kahn	Palmer	Vreeland
Edwards	Kent	Patten, N. Y.	Warburton
Estopinal	Kindred	Payne	Webb
Fields	Kitchin	Peters	Weeks
Focht	Konig	Prouty	Whitacre
Fordney	Konop	Pujo	Wilson, Ill.
Fornes	Lafean	Rainey	Wilson, N. Y.
Gardner, N. J.	Lamb	Randell, Tex.	Woods, Iowa

So the motion was agreed to.

The Clerk announced the following pairs:

Ending February 1:

Mr. SHACKLEFORD with Mr. LONGWORTH.

Until further notice:

Mr. KITCHIN with Mr. FORDNEY.

Mr. RAINEY with Mr. MCCALL.

Mr. GOULD with Mr. HINDS.

Mr. CARTER with Mr. MCGUIRE of Oklahoma.

Mr. GEORGE with Mr. SMITH of California.

Mr. HARRISON of New York with Mr. PAYNE.

Mr. CONRY with Mr. LANGHAM.

Mr. PUJO with Mr. MCMORRAN.

Mr. HULL with Mr. NEEDHAM.

Mr. FIELDS with Mr. LANGLEY.

Mr. EDWARDS with Mr. DE FOREST.

Mr. ANSBERRY with Mr. BURKE of Pennsylvania.

Mr. AIKEN of South Carolina with Mr. DAVIS of Minnesota.

Mr. BRANTLEY with Mr. AMES.

Mr. BROUSSARD with Mr. COPLEY.

Mr. BURNETT with Mr. CRUMPACKER.

Mr. CARLIN with Mr. DANFORTH.

Mr. COVINGTON with Mr. MICHAEL E. DRISCOLL.

Mr. DUPRÉ with Mr. GARDNER of New Jersey.

Mr. ESTOPINAL with Mr. GILLET.

Mr. GLASS with Mr. SLEMP.

Mr. GOEKE with Mr. GREEN of Iowa.

Mr. GOLDFOGLE with Mr. GUERNSEY.

Mr. GUDGER with Mr. HAYES.

Mr. HAMILL with Mr. CRAGO.

Mr. HARDWICK with Mr. SULLOWAY.

Mr. MURRAY with Mr. HARRIS.

Mr. HENRY with Mr. HUGHES of West Virginia.

Mr. HOWARD with Mr. HELGESEN.

Mr. JAMES with Mr. MCKINLEY.

Mr. KINDRED with Mr. JACKSON.

Mr. KONIG with Mr. LAFEAN.

Mr. KONOP with Mr. LOUD.

Mr. LAMB with Mr. MATTHEWS.

Mr. LEWIS with Mr. KAHN.

Mr. MCKELLAR with Mr. MERRITT.

Mr. MAHER with Mr. MOON of Pennsylvania.

Mr. MARTIN of Colorado with Mr. NELSON.

Mr. OLDFIELD with Mr. PROUTY.

Mr. O'SHAUNESSY with Mr. REYBURN.

Mr. PATTEN of New York with Mr. RODENBERG.

Mr. RANDELL of Texas with Mr. J. M. C. SMITH.

Mr. REDFIELD with Mr. SPEER.

Mr. SABATH with Mr. SELLS.
 Mr. SLAYDEN with Mr. TILSON.
 Mr. SHEPPARD with Mr. STEPHENS of California.
 Mr. STEPHENS of Nebraska with Mr. TOWNER.
 Mr. TAYLOR of Colorado with Mr. VREELAND.
 Mr. WEBB with Mr. WEEKS.
 Mr. WILSON of New York with Mr. WARBURTON.
 Mr. WHITACRE with Mr. WILSON of Illinois.
 Mr. STACK with Mr. WOODS of Iowa.
 Mr. RICHARDSON with Mr. THISTLEWOOD.

For the session:

Mr. PALMER with Mr. HILL.

Mr. LITTLETON with Mr. DWIGHT.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. FORTNE with Mr. BRADLEY.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. UNDERWOOD with Mr. MANN.

Mr. MCCALL. Mr. Speaker, I voted "aye," but I am paired with Mr. RAINEY, and I would like to change my vote and answer "present."

The SPEAKER. Call the gentleman's name.

The name of Mr. MCCALL was called, and he answered "Present."

Mr. MURRAY. Mr. Speaker, I would like to inquire whether or not my colleague from Massachusetts, Mr. HARRIS, is recorded.

The SPEAKER. The gentleman is not recorded.

Mr. MURRAY. May I change my vote from "aye" to "present"?

The SPEAKER. Call the gentleman's name.

The name of Mr. MURRAY was called, and he answered "Present."

Mr. MANN. Mr. Speaker, I voted "aye." I am paired with the gentleman from Alabama, Mr. UNDERWOOD, and I desire to withdraw my vote and be recorded as "present."

The SPEAKER. Call the gentleman's name.

The name of Mr. MANN was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The Doorkeeper will open the doors, and the Clerk will read the Journal.

Mr. GARDNER of Massachusetts. Mr. Speaker, I desire to present a conference report.

Mr. FITZGERALD. I make a point of order against that.

The SPEAKER. The Journal has not been read.

Mr. GARDNER of Massachusetts. I maintain it is in order before the Journal has been read.

The SPEAKER. The Chair maintains that it is not. The Clerk will read the Journal.

Mr. GARDNER of Massachusetts. Will the Speaker listen to a rule of the House?

The SPEAKER. Of course he will.

Mr. GARDNER of Massachusetts. This is Rule XXVIII:

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read, while the roll is being called, or the House is dividing on any proposition.

Mr. SHERLEY. Mr. Speaker, I call the Chair's attention to the fact that the Journal was just being read. [Cries of "No!"]

The SPEAKER. The Chair will read the first section of Rule I, as follows:

The Speaker shall take the chair on every legislative day precisely at the hour to which the House shall have adjourned at the last sitting, immediately call the Members to order, and on the appearance of a quorum cause the Journal of the proceedings of the last day's sitting to be read, having previously examined and approved the same.

The Clerk will read the Journal. [Applause.]

The Clerk proceeded with the reading of the Journal.

During the reading,

Mr. MANN. Mr. Speaker, I demand the reading of the Journal in full.

The SPEAKER. Of course, if the gentleman demands it, the Journal will be read in full, and the Clerk will proceed.

The Clerk proceeded with the reading of the Journal.

During the reading,

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to dispense with the further reading of the Journal.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to dispense with the further reading of the Journal. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects. The Clerk will proceed with the reading of the Journal.

The Clerk proceeded with the reading of the Journal.

During the reading.

Mr. MANN. Mr. Speaker, I call attention to the fact that the Clerk omitted to read that part of the Journal which relates to the introduction of bills and petitions.

The SPEAKER. The Chair did not understand the first part of the gentleman's statement.

Mr. MANN. The Clerk did not read that part of the Journal which relates to the introduction of petitions, and I think not that part which relates to the introduction of bills.

The SPEAKER. The Clerk just reached it.

Mr. MANN. He did not read it.

The SPEAKER. He could not read it all at once. The Clerk will proceed with the reading of the Journal.

The Clerk proceeded with and completed the reading of the Journal.

Mr. FITZGERALD. Mr. Speaker, I move that the Journal be approved.

Mr. MANN. I offer a preferential motion, Mr. Speaker.

The SPEAKER. The gentleman will suspend a moment. What was the motion of the gentleman from New York [Mr. FITZGERALD]?

Mr. FITZGERALD. I move that the Journal be approved, and on that motion I demand the previous question.

Mr. MANN. I make a preferential motion to amend the Journal where it provides for the reference of executive communications.

Mr. FITZGERALD. I make a point of order that the motion to amend is not in order pending the demand for the previous question on the approval of the Journal.

Mr. MANN. Mr. Speaker, I have a preferential motion.

The SPEAKER. The question at issue is whether the motion is preferential at this stage of the proceedings.

Mr. MANN. That is the question at issue. I find a ruling on that subject, Mr. Speaker.

The SPEAKER. If the gentleman will suspend a moment, the Chair will state to the House that the gentleman from New York [Mr. FITZGERALD] makes a motion to approve the Journal, and upon that he moves the previous question.

Mr. MANN. The motion I offer I claim to be a preferential one.

The SPEAKER. The Chair will hear the gentleman on his point of order and on the point made by the gentleman from New York that his motion is not now in order.

Mr. MANN. In volume 4 of Hinds' Precedents, section 2760—

Mr. FITZGERALD. What page?

Mr. MANN. Section 2760, page 16, of volume 4 of Hinds' Precedents, is this ruling, with the heading of "A motion to amend the Journal takes precedence of a motion to approve it":

On May 30, 1882, Mr. Speaker Kelfer held that a motion to amend the Journal took precedence of a motion to approve it.

I think it is perfectly apparent, Mr. Speaker—

The SPEAKER. The Chair will ask the gentleman from Illinois [Mr. MANN] if, when the previous question is moved, he still thinks he has the right to make a motion to amend?

Mr. MANN. This is the situation: The gentleman from New York [Mr. FITZGERALD] and myself rose both at the same time; both addressed the Speaker at the same time.

The SPEAKER. That is true.

Mr. MANN. The gentleman from New York offered a motion, which is in order. I offered a motion, which is preferential.

The SPEAKER. The gentleman from New York offered two motions at one time.

Mr. MANN. If my motion be preferential, the motion offered by the gentleman from New York can not cut it out.

Mr. FITZGERALD. Mr. Speaker, I have an authority for my contention right here. If the gentleman will turn to page 23 of the Manual and Digest, he will find that—

The motion to amend the Journal takes precedence of the motion to approve it (IV, 2760); but the motion to amend may not be admitted after the previous question is demanded on a motion to approve (IV, 2770).

I was recognized by the Chair, and made a motion to approve the Journal and demanded the previous question. Having demanded the previous question the gentleman's motion to amend is not in order unless the previous question be voted down.

In section 2770, volume 4, Hinds' Precedents, is the following:

A motion to amend the Journal may not be admitted after the previous question is demanded on a motion to approve.

The SPEAKER. The Chair will not bother the gentleman from New York [Mr. FITZGERALD] for any more light. The contention of the gentleman from Illinois [Mr. MANN], for whose parliamentary knowledge the Chair has a great deal of respect,

would, if sustained, absolutely nullify the previous question, and the previous question is intended to put an end to things.

Mr. FITZGERALD. Mr. Speaker, I ask to put in the Record, so that there will be no misunderstanding, the decision of Mr. Speaker Reed on June 21, 1897, when he overruled a similar point of order and said:

The Chair desires to call the attention of the House to a statement made at the last session in regard to the amendment of the Journal. According to the Record, the Chair stated that a motion to approve the Journal takes precedence of a motion to amend it. Of course, that statement was made simply with reference to the case which was in hand, and, to be accurate for general purposes, there ought to be added, "if that motion is first made."

I desire to say, concerning the citation made by the gentleman from Illinois of the decision made by Mr. Speaker Kelfer, that this matter does not arise in the same way. So far as I have been able to examine the Record hurriedly, it does not show that the motion to approve was made and the previous question demanded upon it. But this decision of Mr. Speaker Reed is exactly in point.

The SPEAKER. If the gentleman from Illinois [Mr. MANN] desires to be heard further on his point of order, the Chair will hear him, although the Chair has already indicated his opinion about it.

Mr. MANN. I do not desire to detain the Chair, but if there are two motions and either one of them is offered, and one is preferential to the other, the preferential motion can not be cut out by a demand for the previous question, if the motion is preferential to the one that is offered.

The SPEAKER. In the ordinary procedure if the order of the three motions had come right the gentleman's point would be well taken. But the order of the procedure did not come so as to fit his case. The Chair recognized the gentleman from New York [Mr. FITZGERALD], and had a perfect right to do it; and the gentleman from New York made two motions before he sat down, one following right after the other, and the last one was to move the previous question on his first motion. The previous question is of the highest order, and the Chair has no doubt in his own mind but that to maintain the contention of the gentleman from Illinois [Mr. MANN] would practically obliterate and annul the force of the motion for the previous question; and the Chair so rules.

Mr. MANN. Then I move, Mr. Speaker, to lay on the table the motion of the gentleman from New York, which under the rules is a preferential motion to the previous question.

Mr. FITZGERALD. Mr. Speaker, that carries the Journal with it.

Mr. MANN. Very well; I know what it carries.

Mr. FITZGERALD. I make the point of order that the motion is dilatory.

The SPEAKER. The Chair would rather entertain it than rule that it is dilatory. Those in favor of tabling the motion of the gentleman from New York will answer "aye," those opposed "no."

The question being taken, the Speaker announced that the "noes" appeared to have it.

Mr. MANN. I demand the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 2, nays 257, answered "present" 10, not voting 114, as follows:

YEAS—2.

Alney Barchfeld
NAYS—257.

Adair	Butler	Diffenderfer	Gill
Adamson	Byrnes, S. C.	Dodds	Gillett
Aiken, S. C.	Byrnes, Tenn.	Donohoe	Godwin, N. C.
Allen	Calder	Doughton	Good
Anderson	Callaway	Draper	Goodwin, Ark.
Andrus	Campbell	Driscoll, D. A.	Gould
Anthony	Candler	Driscoll, M. E.	Graham
Asbrook	Cannon	Dupré	Gray
Austin	Cantrill	Dyer	Green, Iowa
Ayres	Carlin	Edwards	Greene, Mass.
Barnhart	Cary	Ellerbe	Greene, Vt.
Bartholdt	Clark, Fla.	Esch	Gregg, Pa.
Bartlett	Claypool	Faison	Gregg, Tex.
Bates	Clayton	Farr	Griest
Bathrick	Cline	Fergusson	Gudger
Beall, Tex.	Collier	Ferris	Guernsey
Bell, Ga.	Cooper	Finley	Hamill
Berger	Cox	Fitzgerald	Hamilton, Mich.
Blackmon	Crumpacker	Flood, Va.	Hamilton, W. Va.
Boehne	Cullop	Floyd, Ark.	Hamlin
Booher	Curley	Foss	Harrison, Miss.
Borland	Currier	Foster	Hart
Broussard	Dalzell	Fowler	Haugen
Brown	Davenport	Francis	Hawley
Browning	Davidson	French	Hay
Buchanan	Davis, W. Va.	Fuller	Hayden
Bulkley	De Forest	Gallagher	Heald
Burgess	Dent	Gardner, Mass.	Hedlin
Burke, Pa.	Denver	Gardner, N. J.	Helgesen
Burke, S. Dak.	Dickinson	Garner	Helm
Burke, Wis.	Dies	Garrett	Henry, Conn.

Hensley	McGillcuddy	Porter	Stanley
Higgins	McKenzie	Post	Stedman
Hinds	McKinney	Pou	Stephens, Cal.
Holland	McLaughlin	Powers	Stephens, Miss.
Houston	Macon	Pray	Sterling
Howell	Madden	Prince	Stevens, Minn.
Howland	Maguire, Nebr.	Raker	Stone
Hughes, Ga.	Martin, S. Dak.	Ransdell, La.	Switzer
Humphrey, Wash.	Mays	Rees	Talcott, N. Y.
Jacoway	Merritt	Reilly	Taylor, Ala.
Johnson, S. C.	Miller	Roberts, Mass.	Taylor, Ohio
Kendall	Moon, Pa.	Roberts, Nev.	Thomas
Kennedy	Moon, Tenn.	Roddenberry	Towner
Kinkaid, Nebr.	Moore, Pa.	Rothermel	Townsend
Kinkead, N. J.	Moore, Tex.	Rouse	Tribble
Knowland	Morgan, La.	Rubey	Turnbull
Konop	Morgan, Okla.	Rucker, Colo.	Tuttle
Korbly	Morrison	Rucker, Mo.	Underhill
La Follette	Morse, Wis.	Russell	Vare
Lamb	Moore, Ind.	Saunders	Volstead
Langley	Mott	Scott	Watkins
Lawrence	Murdock	Seully	Webb
Lee, Ga.	Neeley	Shackelford	Whitacre
Lee, Pa.	Nelson	Shirley	White
Lever	Norris	Sherwood	Wilder
Levy	Nye	Simmons	Willis
Lindbergh	Olmsted	Sims	Wilson, Pa.
Linthicum	Padgett	Slayden	Witherspoon
Lloyd	Page	Sloan	Young, Kans.
Lobeck	Patton, Pa.	Small	Young, Mich.
Loud	Payne	Smith, Saml. W.	Young, Tex.
McCoy	Pepper	Smith, N. Y.	
McCreary	Pickett	Smith, Tex.	
McDermott	Plumley	Sparkman	

ANSWERED "PRESENT"—10.

Fairchild	Mann	Rainey	Riordan
McCall	Murray	Rauch	Stephens, Tex.
McGuire, Okla.	Parran		

NOT VOTING—114.

Akin, N. Y.	Glass	Langham	Sells
Alexander	Goeke	Legare	Sharp
Ames	Goldfogle	Lenroot	Sheppard
Ansberry	Hammond	Lewis	Sisson
Bradley	Hardwick	Lindsay	Slomp
Brantley	Hardy	Littlepage	Smith, J. M. C.
Burleson	Harris	Littleton	Smith, Cal.
Burnett	Harrison, N. Y.	Longworth	Speer
Carter	Hartman	McKellar	Stack
Conry	Hayes	McKinley	Steenerson
Copley	Henry, Tex.	McMorran	Stephens, Nebr.
Covington	Hill	Maher	Sulloway
Crago	Hobson	Martin, Colo.	Sweet
Cravens	Howard	Matthews	Taggart
Curry	Hughes, W. Va.	Mondell	Talbot, Md.
Danforth	Hull	Needham	Taylor, Colo.
Daugherty	Humphreys, Miss.	Oldfield	Thayer
Davis, Minn.	Jackson	O'Shaunessy	Thistlewood
Dickson, Miss.	James	Palmer	Tilson
Dixon, Ind.	Johnson, Ky.	Patten, N. Y.	Underwood
Doremus	Jones	Peters	Vreeland
Dwight	Kahn	Prouty	Warburton
Estopinal	Kent	Pujo	Weeks
Evans	Kindred	Randell, Tex.	Wilson, Ill.
Fields	Kitchin	Redfield	Wilson, N. Y.
Focht	Konig	Reyburn	Wood, N. J.
Fordney	Kopp	Richardson	Woods, Iowa
Fornes	Lafane	Rodenberg	
George	Lafferty	Sabath	

So the motion to lay on the table was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. AIKEN of South Carolina with Mr. Copley.

Mr. ALEXANDER with Mr. DANFORTH.

Mr. BURLESON with Mr. DAVIS of Minnesota.

Mr. COVINGTON with Mr. HAYES.

Mr. DOREMUS with Mr. CURRY.

Mr. ESTOPINAL with Mr. HARTMAN.

Mr. EVANS with Mr. KOPP.

Mr. GOLDFOGLE with Mr. LAFFERTY.

Mr. HARDY with Mr. TILSON.

Mr. HOWARD with Mr. WILSON of Illinois.

Mr. HUMPHREYS of Mississippi with Mr. MONDELL.

Mr. MAHER with Mr. WOODS of Iowa.

Mr. HARRISON of New York with Mr. WEEKS.

Mr. SHARP with Mr. STEENERSON.

Mr. Sisson with Mr. MERRITT.

Mr. MANN. Mr. Speaker, I voted "no"; but because of my pair with the gentleman from Alabama, Mr. UNDERWOOD, I desire to change my vote and answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on ordering the previous question.

The question being taken, the Speaker announced that the "ayes" appeared to have it.

Mr. MANN. I ask for the yeas and nays.

The question being taken on ordering the yeas and nays, the Speaker, after counting, announced 45 Members voting in favor of ordering the yeas and nays, not a sufficient number.

Mr. MANN. I ask for the other side, Mr. Speaker.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that the roll call having just disclosed 208 Members present, in order to have the yeas and nays it is necessary to have one-fifth of that number, and the other side can not be counted, because that is only for the purpose of determining the number present, which has just been shown by the roll call.

The SPEAKER. That is the presumption, but the gentleman from Illinois has the right to demand the other side to demonstrate the physical fact.

Mr. MANN. Forty-five is more than one-fifth of a quorum, anyhow.

The SPEAKER. The Constitution of the United States provides that the yeas and nays on any question shall, at the desire of one-fifth of those present, be entered on the Journal, and the Chair will preserve all the rights of the gentleman. Those opposed to ordering the yeas and nays will rise and stand until counted. [After counting.] One hundred and four Members have risen in opposition to the demand for the yeas and nays and 45 in favor of ordering the yeas and nays. A sufficient number have demanded the yeas and nays, and the Clerk will call the roll.

The question was taken; and there were—yeas 140, nays 84, answered "present" 10, not voting 149, as follows:

YEAS—140.

Adair	Difenderfer	Helm	Pou
Aiken, S. C.	Dodds	Hensley	Raker
Allen	Donohoe	Hobson	Ransdell, La.
Ashbrook	Doremus	Holland	Rauch
Barnhart	Doughton	Houston	Reilly
Bathrick	Draper	Hughes, Ga.	Riordan
Bell, Ga.	Driscoll, D. A.	Humphreys, Miss.	Roddenberry
Blackmon	Edwards	Jacoway	Rothermel
Boehne	Ellerbe	James	Rouse
Booher	Estopinal	Johnson, S. C.	Rubey
Borland	Faison	Jones	Rucker, Colo.
Brantley	Ferris	Kinkead, N. J.	Rucker, Mo.
Buchanan	Fitzgerald	Konig	Russell
Bulkeley	Flood, Va.	Konop	Sherwood
Burgess	Floyd, Ark.	Korbly	Sims
Burke, Wis.	Foster	Lee, Ga.	Slayden
Byrnes, S. C.	Fowler	Lee, Pa.	Smith, Tex.
Byrns, Tenn.	Francis	Lever	Sparkman
Callaway	Gallagher	Linthicum	Stanley
Cantrill	Gardner, Mass.	Littlepage	Stedman
Carlin	Garner	Lobeck	Stephens, Miss.
Cary	Gill	McCoy	Stephens, Tex.
Clark, Fla.	Godwin, N. C.	McDermott	Stone
Claypool	Goodwin, Ark.	McGillcuddy	Sweet
Clayton	Gould	Macon	Taggart
Collier	Gray	Maguire, Nebr.	Thomas
Cox	Gregg, Pa.	Mays	Tribble
Cullop	Gregg, Tex.	Moon, Tenn.	Turnbull
Curley	Hamill	Moore, Tex.	Watkins
Davenport	Hamilton, W. Va.	Morgan, La.	Webb
Dent	Hamlin	Moss, Ind.	Whitacre
Denver	Harrison, Miss.	Neeley	White
Dickinson	Hay	Padgett	Wilson, Pa.
Dickson, Miss.	Hayden	Page	Witherspoon
Dies	Heflin	Pepper	Young, Tex.

NAYS—84.

Ainey	Gardner, N. J.	McCreary	Pray
Anthony	Gillett	McKenzie	Prince
Austin	Good	McKinney	Rees
Barchfeld	Green, Iowa	McLaughlin	Roberts, Mass.
Bartholdt	Greene, Mass.	Madden	Roberts, Nev.
Bates	Griest	Martin, S. Dak.	Scott
Burke, Pa.	Hamilton, Mich.	Miller	Simmons
Burke, S. Dak.	Haugen	Mondell	Sloan
Cannon	Heald	Moore, Pa.	Smith, Saml. W.
Cooper	Helgesen	Morgan, Okla.	Steenerson
Crumpacker	Henry, Conn.	Morse, Wis.	Stephens, Cal.
Currier	Higgins	Murdock	Sterling
Danforth	Howell	Nelson	Switzer
Davidson	Jackson	Norris	Taylor, Ohio
De Forest	Kendall	Nye	Towner
Driscoll, M. E.	Kennedy	Olmsted	Vare
Dyer	Kinkaid, Nebr.	Patton, Pa.	Volstead
Esch	La Follette	Payne	Wilder
Farr	Lawrence	Plumley	Willis
French	Lindbergh	Porter	Young, Kans.
Fuller	Loud	Powers	Young, Mich.

ANSWERED "PRESENT"—10.

Adamson	Dwight	McGuire, Okla.	Murray
Akin, N. Y.	Langley	Mann	Parran
Browning	McCall		

NOT VOTING—149.

Alexander	Calder	Dixon, Ind.	Goldfogle
Ames	Campbell	Dupré	Graham
Anderson	Candler	Evans	Greene, Vt.
Andrus	Carter	Fairchild	Gudger
Ansberry	Cline	Fergusson	Guernsey
Ayres	Conry	Fields	Hammond
Bartlett	Copley	Finley	Hardwick
Beall, Tex.	Covington	Focht	Hardy
Berger	Crago	Fordney	Harris
Bradley	Cravens	Fornes	Harrison, N. Y.
Broussard	Curry	Foss	Hart
Brown	Dalzell	Garrett	Hartman
Burleson	Daugherty	George	Hawley
Burnett	Davis, Minn.	Glass	Hayes
Butler	Davis, W. Va.	Goeke	Henry, Tex.

Hill	Littleton	Rainey	Stevens, Minn.
Hinds	Lloyd	Randell, Tex.	Sulloway
Howard	Longworth	Redfield	Talbot, Md.
Howland	McKellar	Reyburn	Talcott, N. Y.
Hughes, W. Va.	McKinley	Richardson	Taylor, Ala.
Hull	McMorran	Rodenberg	Taylor, Colo.
Humphrey, Wash.	Maher	Sabath	Thayer
Johnson, Ky.	Martin, Colo.	Saunders	Thistlewood
Kahn	Matthews	Scully	Tilson
Kent	Merritt	Sells	Townsend
Kindred	Moon, Pa.	Shackleford	Tuttle
Kitchin	Morrison	Sharp	Underhill
Knowland	Mott	Sheppard	Underwood
Kopp	Needham	Sherley	Vreeland
Lafean	Oldfield	Sisson	Warburton
Lafferty	O'Shaunessy	Slemp	Weeks
Lamb	Palmer	Small	Wilson, Ill.
Langham	Patten, N. Y.	Smith, J. M. C.	Wilson, N. Y.
Legare	Peters	Smith, Cal.	Wood, N. J.
Lenroot	Pickett	Smith, N. Y.	Woods, Iowa
Levy	Post	Speer	
Lewis	Prouty	Stack	
Lindsay	Pujo	Stephens, Nebr.	

So the previous question was ordered.

The following additional pairs were announced.

For the session:

Mr. BARTLETT with Mr. BUTLER.

Mr. RIORDAN with Mr. ANDRUS.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. SCULLY with Mr. BROWNING.

Until further notice:

Mr. AYRES with Mr. COPLEY.

Mr. BEALL of Texas with Mr. AMES.

Mr. TOWNSEND with Mr. CALDER.

Mr. BROWN with Mr. CAMPBELL.

Mr. CANDLER with Mr. DALZELL.

Mr. TUTTLE with Mr. KOPP.

Mr. BURNETT with Mr. HARTMAN.

Mr. DAVIS of West Virginia with Mr. FOSS.

Mr. UNDERHILL with Mr. CURRY.

Mr. FINLEY with Mr. GREENE of Vermont.

Mr. FERGUSON with Mr. GUERNSEY.

Mr. GARRETT with Mr. HINDS.

Mr. GRAHAM with Mr. HAWLEY.

Mr. GUDGER with Mr. HOWLAND.

Mr. JOHNSON of Kentucky with Mr. HUMPHREY of Washington.

Mr. LEVY with Mr. MOTT.

Mr. LLOYD with Mr. MCKINLEY.

Mr. SHERLEY with Mr. KNOWLAND.

Mr. SMALL with Mr. PICKETT.

Mr. TALCOTT of New York with Mr. WOODS of Iowa.

Mr. POST with Mr. LAFEAN.

Mr. MANN. Mr. Speaker, may I inquire if the gentleman from Alabama, Mr. UNDERWOOD, voted?

The SPEAKER. He is not recorded.

Mr. MANN. I voted "no," and I desire to withdraw that vote and be recorded as "present."

Mr. BROWNING. Mr. Speaker, may I inquire if the gentleman from New Jersey, Mr. SCULLY, voted?

The SPEAKER. He is not recorded.

Mr. BROWNING. I desire to withdraw my vote of "no" and answer "present."

The result of the vote was then announced as above recorded. Mr. MANN. Mr. Speaker, I believe I am entitled to 20 minutes.

The SPEAKER. The gentleman from Illinois is recognized for 20 minutes.

Mr. FITZGERALD. Mr. Speaker, am I not entitled to 20 minutes?

The SPEAKER. The gentleman from New York is entitled to 20 minutes, and entitled to open and close if he chooses.

Mr. MANN. Mr. Speaker, I would be very glad to have the gentleman from New York open the debate.

The SPEAKER. The gentleman from Illinois is recognized for 20 minutes.

Mr. MANN. I understood the Chair to say that the gentleman from New York had the right to open.

The SPEAKER. The Chair was announcing the right of anybody to 40 minutes' debate, and the gentleman from New York took his seat and signified that he did not want to open the debate.

Mr. MANN. Mr. Speaker, yesterday the House adopted an order offered by the gentleman from Texas [Mr. STEPHENS] for the purpose of correcting a mistake made by one of the enrolling clerks, or somebody at the desk, asking the Senate to permit the Clerk of the House to correct an error in the Indian appropriation bill. When the order was presented this colloquy took place:

The SPEAKER. Is there objection?
Mr. MANN. Mr. Speaker, reserving the right to object, I suggest to the gentleman that where the word "section" occurs in the order just read it should read "paragraph."

Mr. STEPHENS of Texas. Mr. Speaker, I think that is correct. The SPEAKER. Without objection, the change will be made. There was no objection.

Now, ordinarily one would suppose that with that colloquy and order taking place that where the word "section" appeared erroneously, as it did in the order presented, that that was stricken out and the word "paragraph" inserted, and yet the Journal which the gentleman from New York proposes to approve, without an opportunity to amend, does not make that correction in the order. I do not wonder that when the House can not rely upon the clerks at the desk to properly perform the duties devolving upon them, either through error, which I do not criticize them for especially, the gentleman desires to approve the Journal without an opportunity to amend it. I had proposed this morning to have the Journal corrected in accordance with the facts. The facts were that the House agreed to this order with the word "paragraph" in it in two places instead of the word "section."

But the Journal shows, as it stands, that that change was not made. What reliance have we in the House upon agreements and amendments that are agreed to in the House when they are not made? And now gentlemen propose to approve the Journal without a chance to amend it to conform to the facts in the case. I am surprised that the gentleman from New York [Mr. FITZGERALD] or any other gentleman in the House should desire to approve the Journal without a chance to amend it, when the Journal is not correct and does not state what took place in the House. The House adopted one order under the Speaker's ruling and the Journal shows a different order, and yet the minority are refused an opportunity to correct it because the House has ordered the previous question, and no amendments can be offered to the Journal.

Mr. Speaker, in the Fifty-eighth Congress the House passed a provision in one of the appropriation bills which was offered by the then Democratic leader, Mr. Richardson, of Tennessee. It reads like this:

Provided further, That hereafter no part of the appropriations made for printing and binding shall be used for any illustration, engraving, or photograph in any document or report ordered printed by Congress unless the order to print expressly authorizes the same.

Under the rules of the House in the Sixty-first Congress, as had been the rule for a number of years, there was a rule providing that all documents referred to committees, or otherwise disposed of, shall be printed unless otherwise specially ordered. That was a rule adopted following the passage of the public printing act of 1895, providing that the executive and public documents presented to the House should be printed. Then came along the Richardson amendment providing that no illustration shall be printed unless expressly ordered. Yet in the Journal of to-day there appears this statement:

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Ash-tabula Harbor, Ohio (H. Doc. No. 1295); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

Clause 2 of Rule XXIV simply provides for the reference of this document. It does not authorize the Speaker or anyone else to order it printed; much less does it authorize the Speaker to order it printed with illustrations. I am not criticizing the Speaker in this connection, I wish the House to understand. When the Richardson amendment was first adopted, there was a quandary presented to the House as to how it would get around it. At the time the Richardson amendment was presented, forbidding the printing of illustrations, I called the attention of the House to the fact that it was either so much waste paper or else it would delay the House on many occasions, because the House could not determine by order offered in the House in regard to the printing of illustrations in all of the executive documents which were presented to the House.

Mr. CLARK of Florida rose.

The SPEAKER. For what purpose does the gentleman rise?
Mr. CLARK of Florida. Mr. Speaker, I desire to ask the gentleman from Illinois a question.

The SPEAKER. Does the gentleman from Illinois yield?

Mr. MANN. Mr. Speaker, I yield for a question.

Mr. CLARK of Florida. Does not the gentleman from Illinois think that it would be very much to the edification of the American people if the proceedings of the House of this day should be published with illustrations?

Mr. MANN. I hope they will be [applause on the Republican side], because up to this time this side of the House has been conducting a filibuster in order to teach a lesson to the other side of the House and to the gentleman from Texas [Mr. GARNER] on the other side of the House, who gave notice that he and others upon that side proposed to filibuster to prevent the

Lincoln Memorial bill coming before the House; and I firmly believe that the country will sustain us in what we are doing. And if it be necessary, as I hope it will not be, to continue the filibuster in order to have the Lincoln Memorial bill presented to the House in regular order, then we will filibuster until the cows come home. [Applause on the Republican side.] The gentleman from Florida may not have been a participant in that filibuster. I do not know, but I take it that he voted yesterday to adjourn, and I do not criticize him for that.

However, Mr. Speaker, the Sixty-first Congress and the other preceding Congresses having in the rules a provision for the printing of executive documents without providing for illustrations, this Congress, when it revised the rules, left out the order of printing, and this statement is made in the Manual:

The old rule on the subject of printing was abolished by the Sixty-second Congress, as the printing statute covered the subject.

The fact is that the printing statute does not cover the subject, and there is not a line in the public printing statute which authorizes the printing of these executive documents which are presented to the House, except certain annual reports and certain other documents which are specified and which are not included in the ones to which I have called attention. The fact is that the old rule providing for the printing was adopted in 1895 for the express purpose of meeting the public printing act of 1895, to which reference is here made.

Now, it may be desirable by the approval of the Journal for the House now to declare that the illegal practice heretofore adopted shall be made legal in the practice of the House and adopt the Journal containing this provision. I think if I had been the Speaker or parliamentary clerk I should have done just what the present Speaker or the parliamentary clerk have done—ordered this document printed with illustrations; but the mistake was when they adopted the rule they did not provide for it. Now we will be asked by a vote on the approval of the Journal to condone the practice, and, so far as the practice of the House is concerned, to validate what has been done and what will be done in the future.

I reserve the balance of my time. [Applause on the Republican side.]

The SPEAKER. The question is on the motion to approve the Journal.

The question was taken; and the Speaker announced the "ayes" seemed to have it.

Mr. MANN. I demand the yeas and nays, Mr. Speaker.

The SPEAKER. The gentleman from Illinois demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 149, nays 81, answered "present" 9, not voting 144, as follows:

YEAS—149.

Adair	Dickson, Miss.	Helm	Ransdell, La.
Aiken, S. C.	Dies	Hensley	Reilly
Allen	Diffenderfer	Holland	Roddenberry
Ashbrook	Donohoe	Houston	Rothermel
Barnhart	Doremus	Hughes, Ga.	Rouse
Bartlett	Doughton	Humphreys, Miss.	Rubey
Beall, Tex.	Driscoll, D. A.	Jacoway	Rucker, Colo.
Bell, Ga.	Dupré	James	Russell
Blackmon	Edwards	Johnson, S. C.	Saunders
Boehne	Ellerbe	Jones	Scully
Booher	Estopinal	Kinhead, N. J.	Sharp
Borland	Evans	Konig	Sherley
Brantley	Falsen	Konop	Sherwood
Buchanan	Ferguson	Lee, Ga.	Small
Bulkley	Ferris	Lee, Pa.	Smith, Tex.
Burgess	Finley	Lever	Sparkman
Burke, Wis.	Fitzgerald	Linthicum	Stedman
Burleson	Flood, Va.	Littlepage	Stephens, Miss.
Byrnes, S. C.	Floyd, Ark.	Lloyd	Stephens, Tex.
Byrns, Tenn.	Foster	Lobeck	Stone
Callaway	Fowler	McCoy	Sweet
Candler	Gallagher	McDermott	Taggart
Cantrill	Garner	McGillcuddy	Talcott, N. Y.
Carlin	Garrett	Macon	Taylor, Colo.
Cary	Godwin, N. C.	Maguire, Nebr.	Thomas
Clark, Fla.	Goodwin, Ark.	Mann	Townsend
Claypool	Gould	Mays	Tribble
Clayton	Graham	Moon, Tenn.	Tuttle
Cline	Gray	Morrison	Underhill
Collier	Gregg, Pa.	Moss, Ind.	Watkins
Cox	Hamill	Neeley	Webb
Cullop	Hamilton, W. Va.	Norris	Whitacre
Curley	Hamlin	Padgett	Wilson, Pa.
Davenport	Harrison, Miss.	Page	Witherspoon
Davis, W. Va.	Hart	Pepper	Young, Tex.
Dent	Hay	Peters	
Denver	Hayden	Pou	
Dickinson	Heflin	Raker	

NAYS—81.

Ainey	Cannon	Dodds	French
Akin, N. Y.	Cooper	Draper	Fuller
Barchfield	Crumpacker	Driscoll, M. E.	Gardner, Mass.
Bartholdt	Currier	Dyer	Gardner, N. J.
Bates	Danforth	Esch	Gillett
Browning	Davidson	Farr	Good
Campbell	De Forest	Foss	Green, Iowa

Greene, Mass.
Hamilton, Mich.
Haugen
Hawley
Henry, Conn.
Higgins
Hinds
Howland
Jackson
Kahn
Kendall
Kennedy
Kinkaid, Nebr.
Lafferty

La Follette
Lawrence
Lindbergh
Loud
McCreary
McKenzie
McKinney
McLaughlin
Madden
Mondell
Moore, Pa.
Morgan, La.
Morgan, Okla.
Morse, Wis.

Murdock
Nelson
Olmsted
Patton, Pa.
Pickett
Powers
Pray
Prince
Rees
Roberts, Mass.
Roberts, Nev.
Scott
Simmons
Sloan

Smith, Saml. W.
Steenerson
Stephens, Cal.
Sterling
Switzer
Taylor, Ohio
Volstead
Wilder
Willis
Young, Kans.
Young, Mich.

ANSWERED "PRESENT"—9.

Adamson
Anthony
Dwight

Langley
McGuire, Okla.

Murray
Parran

Payne
Thistlewood

NOT VOTING—144.

Alexander
Ames
Anderson
Andrus
Ansberry
Austin
Ayres
Bathrick
Berger
Bradley
Broussard
Brown
Burke, Pa.
Burke, S. Dak.
Burnett
Butler
Calder
Carter
Conry
Copley
Covington
Crago
Cravens
Curry
Dalzell
Daugherty
Davis, Minn.
Dixon, Ind.
Fairchild
Fields
Focht
Fordney
Fornes
Francis
George
Gill

Glass
Goeke
Goldfogle
Greene, Vt.
Gregg, Tex.
Griest
Gudger
Guernsey
Hammond
Hardwick
Hardy
Harris
Harrison, N. Y.
Hartman
Hayes
Heald
Helgesen
Henry, Tex.
Hill
Hobson
Howard
Howell
Hughes, W. Va.
Hull
Humphrey, Wash.
Johnson, Ky.
Kent
Kindred
Kitchen
Knowland
Kopp
Korbly
Lafean
Lamb
Langham
Legare

Lenroot
Levy
Lewis
Lindsay
Littleton
Longworth
McCall
McKellar
McKinley
McMorran
Maher
Martin, Colo.
Martin, S. Dak.
Matthews
Merritt
Miller
Moon, Pa.
Moore, Tex.
Mott
Needham
Nye
Oldfield
O'Shaunessy
Palmer
Patten, N. Y.
Plumley
Porter
Post
Prouty
Pujo
Rainey
Randall, Tex.
Rauch
Redfield
Reyburn
Richardson

Riordan
Rodenberg
Rucker, Mo.
Sabath
Sells
Shackelford
Sheppard
Sims
Sisson
Slayden
Slemp
Smith, J. M. C.
Smith, Cal.
Smith, N. Y.
Speer
Stack
Stanley
Stephens, Nebr.
Stevens, Minn.
Sulloway
Talbot, Md.
Taylor, Ala.
Thayer
Tilson
Towner
Turnbull
Underwood
Vare
Vreeland
Warburton
Weeks
White
Wilson, Ill.
Wilson, N. Y.
Wood, N. J.
Woods, Iowa

So the Journal was approved.

The Clerk announced the following additional pairs:

Until further notice:

Mr. HARRISON of New York with Mr. PAYNE.

Mr. UNDERWOOD with Mr. MCKINLEY.

Mr. SLAYDEN with Mr. ANTHONY.

Mr. BATHRICK with Mr. AUSTIN.

Mr. BROWN with Mr. BUTLER.

Mr. FRANCIS with Mr. BURKE of Pennsylvania.

Mr. GREGG of Texas with Mr. BURKE of South Dakota.

Mr. GUDGER with Mr. DALZELL.

Mr. SIMS with Mr. GREENE of Vermont.

Mr. LEWIS with Mr. GRIEST.

Mr. KORBLY with Mr. GUERNSEY.

Mr. LAMB with Mr. HEALD.

Mr. MAHER with Mr. HELGESEN.

Mr. POST with Mr. KNOWLAND.

Mr. RAUCH with Mr. MARTIN of South Dakota.

Mr. SLAYDEN with Mr. MILLER.

Mr. SMITH of New York with Mr. MOON of Pennsylvania.

Mr. STANLEY with Mr. NYE.

Mr. TAYLOR of Alabama with Mr. PLUMLEY.

Mr. THAYER with Mr. WEEKS.

Mr. WHITE with Mr. WOODS of Iowa.

Mr. STACK with Mr. VARE.

Mr. LINDSAY with Mr. WOOD of New Jersey.

Mr. THISTLEWOOD. Mr. Speaker, I find I have a general pair with Mr. RICHARDSON, of Alabama. If he was present he would undoubtedly vote "aye." I voted "no," and I desire to withdraw that vote and answer "present."

The SPEAKER. Call the gentleman's name.

The name of Mr. THISTLEWOOD was called, and he answered "Present."

Mr. MANN. Mr. Speaker, how am I recorded?

The SPEAKER. The gentleman is recorded as "present."

Mr. MANN. Mr. Speaker, I desire to vote.

The SPEAKER. Call the gentleman's name.

The name of Mr. MANN was called, and he voted "aye."

The result of the vote was announced as above recorded.

Mr. MANN. I move to reconsider the vote by which the Journal was approved.

Mr. DYER. Mr. Speaker—

Mr. GARDNER of Massachusetts. Mr. Speaker—

Mr. HEFLIN. Mr. Speaker, I move to reconsider the vote by which the Journal was approved.

The SPEAKER. The Chair did not understand the motion of the gentleman from Illinois.

Mr. MANN. I move to reconsider the vote by which the Journal was approved.

Mr. HAY. Mr. Speaker, I make the point of order that that motion is dilatory.

Mr. MANN. Mr. Speaker, I wish to be heard on that. Rule XVIII provides:

When a motion has been made and carried or lost it shall be in order for any member of the majority, on the same or succeeding day, to move for the reconsideration thereof, and such motion shall take precedence of all other questions except the consideration of a conference report or a motion to adjourn, and shall not be withdrawn after the said succeeding day without the consent of the House—

And so forth. It is a right under the rule that can not be held to be dilatory.

Mr. FITZGERALD. It has been held time and again by the gentleman from Illinois [Mr. MANN] himself that a motion to reconsider may be dilatory. Whenever it is apparent that the purpose of any motion or any action is to unnecessarily retard business or to prevent the House from transacting business, the Speaker has uniformly held that the action is dilatory. The decision that the rule applies to the motion to reconsider is to be found in section 5735, volume 5, of Hinds' Precedents, a ruling made by the distinguished gentleman from Illinois [Mr. CANNON].

The SPEAKER. Does the gentleman from Illinois [Mr. MANN] desire to be heard?

Mr. MANN. I do.

Mr. GARDNER of Massachusetts. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. GARDNER of Massachusetts. To present a motion of higher privilege than a motion to reconsider, under the rules.

Mr. FITZGERALD. Mr. Speaker, I make a point of order that pending this point of order the gentleman can not do so.

Mr. GARDNER of Massachusetts. I was on my feet trying to get recognition when the gentleman was recognized.

The SPEAKER. The power of recognition is lodged in the Chair. All of these rules have to be taken together and considered together, and the intention of all of them is to expedite business instead of retarding it. [Applause.]

So the Chair recognized the gentleman from Illinois [Mr. MANN] to argue this for a reasonable length of time.

Mr. MANN. Very briefly, Mr. Speaker. It is perfectly patent, I think, if the Speaker should now hold my motion to reconsider out of order, the Speaker could not hold it out of order to-morrow.

The SPEAKER. Could not hold what out of order to-morrow?

Mr. MANN. A motion to reconsider out of order to-morrow. The rule is that any member of the majority on the same or succeeding day may move for the reconsideration of the vote. Now, when they say that a motion to reconsider is dilatory, I would state that a motion to reconsider is made on almost every proposition. It is one of the rights to enter the motion immediately or enter it next day under this rule. I do not see how the Speaker can hold that such motion is dilatory when it is in order at any time to-day or at any time to-morrow. Others matters could take precedence of it after it is made, unquestionably, under the rules, but the right to enter a motion to reconsider always has been held a privilege in which the Members had a right to be protected. Take a bill that passes the House, will the Speaker hold that if a motion is made to reconsider that that motion is dilatory? Any Member of the House may make a motion next day, and the delay of a motion may hold up the sending of the bill to the other body.

Mr. FITZGERALD. Mr. Speaker, I call the gentleman's attention to the fact that it is not only possible, but it has been done. Mr. Watson, Speaker pro tempore in 1898, when the gentleman from Illinois [Mr. MANN] was a Member of the House, declined to entertain a motion of Mr. Bailey to reconsider a vote on the ground that the gentleman was making it as a dilatory motion.

It is patent to everyone in the House that since 12 o'clock noon to-day a filibuster has been going on. Whenever that becomes apparent, a motion, even though it might serve some useful purpose—

Mr. HELM. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Kentucky rise?

Mr. HELM. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HELM. Has it not been over five minutes since the gentleman from Illinois [Mr. MANN], in response to a question

by the gentleman from Florida [Mr. CLARK], said that he was conducting a filibuster and intended to conduct it until the cows came home?

Mr. MANN. No; I did not so declare.

The SPEAKER. There is no use to argue it. The motion is dilatory. [Applause on the Democratic side.]

Mr. MANN. I think it ought to be settled by the House. I appeal from the decision of the Chair.

Mr. FITZGERALD. I make the point of order that the motion to appeal is dilatory.

Mr. MANN. It has taken three hours of the House in which to approve the Journal.

Mr. GARDNER of Massachusetts. Mr. Speaker—

The SPEAKER. The gentleman from Massachusetts.

Mr. GARDNER of Massachusetts. I invite the attention of the Speaker to the rule of this House that a conference report can be presented at any time a Member thinks fit.

Mr. SHERLEY. Mr. Speaker, I make the point of order that that is not in order now.

The SPEAKER. That is not the purpose for which the Chair recognized the gentleman.

Mr. GARDNER of Massachusetts. The gentleman, under the rules of this House, presents a conference report on the part of the managers of the House on the bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States, and I give notice in behalf of the gentleman from Alabama [Mr. BURNETT], who is indisposed to-day, that he will call it up to-morrow morning on the approval of the Journal.

Mr. FITZGERALD. I hope that will be earlier than to-day. [Laughter.]

QUESTION OF PERSONAL PRIVILEGE.

Mr. CLARK of Florida rose.

The SPEAKER. For what purpose does the gentleman rise? Mr. CLARK of Florida. I rise to a question of personal privilege. [Laughter.]

The SPEAKER. The House will be in order. Questions of personal privilege are very serious questions.

Mr. CLARK of Florida. I send to the Clerk's desk, Mr. Speaker, a copy of the Washington Herald of date January 10, 1913, and desire to have the Clerk read the article indicated.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

REPRESENTATIVE CLARK NOW A MEMBER OF THE ANANIAS CLUB—HIS STATEMENTS MADE ON THE FLOOR OF THE HOUSE REFUTED BY THE ASSOCIATION UNDER WHOSE AUSPICES HE SPOKE AND SOME OF HIS HEARERS—HERALD'S REPORT OF SPEECH CORRECT.

Representative FRANK CLARK's futile attempt on the floor of the House to avoid responsibility for statements he made at a mass meeting of the East Washington Democratic Association Monday night, as reported by the Washington Herald, was thwarted last night through a resolution adopted by the East Washington Democratic Association, which practically places Representative CLARK in the Ananias Club.

The East Washington Democratic Association itself adopted a resolution at its meeting last night placing itself on record as declaring the Washington Herald's report to be correct. Additionally, four citizens who heard the speech also declared the Washington Herald's report to be correct.

The following excerpts from the CONGRESSIONAL RECORD of the proceedings of the House for January 8 will show the action of Representative CLARK:

"QUESTION OF PERSONAL PRIVILEGE.

"Mr. CLARK of Florida. Mr. Speaker, I rise to a question of personal privilege and ask that the Clerk will read the article in the Washington Herald of yesterday around which the blue pencil has been marked.

"The SPEAKER. Without objection, the Clerk will read.

"The Clerk read as follows:

"There are Senators and Representatives occupying seats in Congress to-day who have allied themselves with real estate sharks in this city to fleece the Government of hundreds of thousands of dollars by seeking to sell to it large areas of land in out-of-the-way places for public park purposes, some of which are in ravines so deep that the Capitol could be set in them and you could not see the Indian which surmounts its dome."

"This was the statement made last night by Representative FRANK CLARK of Florida in a speech at the mass meeting of the East Washington Democratic Association in Donohue's Hall, 314 Pennsylvania Avenue SE.

CHARGE AGAINST HERALD.

"Mr. CLARK of Florida: Mr. Speaker, if this publication referred only to me and reflected only upon me, I think I would not ask the time of the House to mention it. But it puts me in the attitude as a Member of this House of arraigning not only Members of this body but also Members of another branch of the legislative department of this Government and of charging them with the gravest of crimes.

"I desire to state, Mr. Speaker, that not one word of truth is contained in that statement. I desire to say that not a single Washington newspaper was represented at that meeting, save the Washington Star, and the reporter of that paper gave about as accurate an account of the meeting as is usually given by reporters of newspapers.

"What I did say, Mr. Speaker, was this, and I say it now, and the CONGRESSIONAL RECORD supports every word of it: I did say that the District of Columbia has practically no government; that it has three commissioners, appointed by the President, not responsible in any sense to the people of the District. And I say that the real estate sharks, according to my observation, after eight years of service in this city, were controlling the destinies of this city. I did say that frequently in bills there comes before this House propositions to buy waste places in out-of-the-way locations for park purposes, and I instanced one case wherein I said there was a proposition by a real estate concern to un-

load upon the Government for a fabulous price a large tract of land having gullies in it so deep that I believe the Capitol could be planted in the bottom of the gulf and that the head of the Indian that surmounts the dome of this Capitol could not be seen above it."

The Washington Herald, not having the privilege of the floor of the House to reply to Mr. CLARK, requested some of the gentlemen present at the Monday night meeting to state their opinion as to the bulk of the charges made by the gentleman from Florida. The following speaks for itself.

William McMahon, of 620 C Street NE., made the following statement yesterday:

"I was present at the mass meeting held by the East Washington Democratic Association in Donohoe's Hall, 314 Pennsylvania Avenue SE., Monday night, January 6, 1913, heard the speech delivered by Representative FRANK CLARK of Florida, and state that the report of his speech as printed in the Washington Herald on the following morning was correct."

F. H. Arendes, of 610 G Street SE., made the same statement. A. Weaver, of 1412 Eleventh Street NW., made the same statement. William S. Riley, of 209 Second Street SE., made the same statement. In addition to this, the following resolution was adopted by the East Washington Democratic Association at its meeting last night:

"Be it resolved, That the East Washington Democratic Association hereby place itself upon record as declaring that the report of speech delivered by Representative FRANK CLARK of Florida at a mass meeting of the East Washington Democratic Association, in Donohoe's Hall, Monday night, January 6, 1913, as printed in the Washington Herald January 7, 1913, was correct."

"WILLIAM S. RILEY, President.
"PATRICK KENNEDY, Secretary."

"JANUARY 9, 1913."

HERALD WAS REPRESENTED.

Similarly erroneous was Representative CLARK's statement that the Washington Herald was not represented at the meeting. A reporter for the Washington Herald attended the meeting, as citizens there will testify.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that this does not involve a question of personal privilege.

Mr. CLARK of Florida. I hope the gentleman will not do that.

Mr. FITZGERALD. I have no objection to the gentleman's getting time.

Mr. CLARK of Florida. I hope the gentleman will not make a point of order, because it does involve my character.

Mr. FITZGERALD. How much time does the gentleman desire?

Mr. CLARK of Florida. Twenty minutes.

Mr. FITZGERALD. I ask, Mr. Speaker, that the gentleman be allowed five minutes.

Mr. CLARK of Florida. I will not take five minutes. If I can not get more than that, I do not want it.

Mr. FITZGERALD. I ask unanimous consent, Mr. Speaker, that the gentleman from Florida be given five minutes.

Mr. CLARK of Florida. Mr. Speaker, I do not want five minutes, and I want the Speaker to say whether or not this article involves my character as a Representative in this body.

Mr. FITZGERALD. Mr. Speaker, it is a controversy between the gentleman and a local newspaper as to what he said at some place. We must get the legislative bill into conference. The river and harbor bill is under consideration, and there are a number of appropriation bills that must be disposed of and which must be given some opportunity to be considered.

The SPEAKER. Does the gentleman from New York make the point of order that the question is not privileged?

Mr. FITZGERALD. Yes; it does not affect the gentleman's character.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent to be allowed 20 minutes in which to address this House.

The SPEAKER. The gentleman from Florida asks unanimous consent to address the House for 20 minutes. Is there objection?

Mr. FITZGERALD. I object to 20 minutes. Ten minutes may be sufficient. Will not the gentleman take 10 minutes?

Mr. CLARK of Florida. I would prefer, first, that the Speaker rule on the question of privilege.

The SPEAKER. This Speaker has been very liberal about letting in questions of privilege where a Member of the House claims that he has been lied about. The Chair does not think, upon a consultation of the decisions about it, that the truth or untruth of these newspaper charges constitutes a question of personal privilege if they are not made about the gentleman from Florida in his representative capacity; and that is the rule—that the charge must be made against him in his representative capacity.

Mr. CLARK of Florida. If the Speaker will permit me just a moment, that article refers to statements made by me on this floor in my representative capacity.

The SPEAKER. If so, it does affect the gentleman's character in his representative capacity.

Mr. FITZGERALD. Mr. Speaker, misrepresentations of a gentleman's speech on the floor do not raise questions of personal privilege. That has repeatedly been held.

The SPEAKER. The gentleman will point out the particular passages where he claims his privilege has been invaded.

Mr. CLARK of Florida. This article, Mr. Speaker, undertakes to report what I said upon the floor of this House on the 8th day of January last as a Member of this House, and, commenting upon the statements which I made in my place as a Member, they use this language:

The Washington Herald, not having the privilege of the floor of the House to reply to Mr. CLARK, requested some of the gentlemen present at the Monday night meeting to state their opinion as to the bulk of the charges made by the gentleman from Florida.

And then they quote a number of people, controverting what I said upon this floor.

The SPEAKER. But that is all outside the House. In order to make a thing a question of privilege it must be about the Member in his representative capacity.

Mr. CLARK of Florida. Mr. Speaker, does it not affect a Member in his representative capacity to charge that he is a fit member of the Ananias Club—that he is a liar?

The SPEAKER. Not if the whole transaction is outside of the House, or if it is simply a criticism on a speech delivered in the House.

Mr. CLARK of Florida. Growing out of what the Member has said here?

Mr. RUCKER of Colorado. Mr. Speaker, will you allow me one word?

The SPEAKER. The gentleman from Colorado.

Mr. RUCKER of Colorado. There might be some question about whether this was an item of news, but the first line of this paper says:

Representative CLARK now a member of the Ananias Club.

The SPEAKER. That all took place outside of the House.

Mr. RUCKER of Colorado. It says:

Representative CLARK now a member of the Ananias Club.

That may not be news to the majority of this House, but at the same time it is published as news to the public. [Laughter.]

The SPEAKER. Of course, it is exceedingly unpleasant for any man to be slandered or lied about or misrepresented; but the rule is that the criticism, slander, or whatever it is alleged to be, must be about the Member in his representative capacity.

Mr. CLARK of Florida. Then, Mr. Speaker, I ask unanimous consent of this House that it give me 15 minutes to reply to this statement.

The SPEAKER. The gentleman asks 15 minutes to reply to this statement. Is there objection?

Mr. FITZGERALD. I will object unless the gentleman limits it to 10 minutes. We have already wasted 5 minutes.

Mr. CLARK of Florida. You have wasted it. I have not.

Mr. FITZGERALD. I shall object to 15 minutes.

The SPEAKER. The gentleman from New York objects.

Mr. FITZGERALD. Does the gentleman want to request 10 minutes?

Mr. CLARK of Florida. No; but if some other gentleman requests that I be given 10 minutes I will use the time.

Mr. FITZGERALD. I ask unanimous consent that the gentleman be given 10 minutes to make a statement.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that the gentleman from Florida [Mr. CLARK] have 10 minutes in which to address the House. Is there objection?

There was no objection.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent to have printed in the Record an affidavit made by Capt. W. M. Potter, a captain in the Union Army, who was present at that meeting and heard that speech. He gives the lie to every statement in that article.

The SPEAKER. The gentleman asks leave to print this document as a part of his remarks. Is there objection?

There was no objection.

The affidavit referred to is as follows:

WASHINGTON, D. C., January 10, 1913.

The following statement is made under oath relative to the controversy between the Washington Herald and the Hon. FRANK CLARK, Representative from the second district of Florida.

At a meeting of the East Washington Democratic Club, held at the East Washington Hall, No. 314 Pennsylvania Avenue SE., Monday evening, January 6, 1913, which meeting was addressed by Mr. CLARK of Florida, after the meeting had adjourned, a young man representing himself as a reporter for the Herald asked me for a statement as to what had transpired at the meeting, telling me that he was engaged at the Capitol and that he could not be present at the club at an earlier hour.

I presented the reporter with some resolutions that were unanimously adopted relative to the police force and the street lights in east Washington, and told him that if the Herald could not publish the resolutions in full not to publish them at all. This reporter asked me who the speakers were who spoke at the meeting. I told him Mr. Price, of Alabama, Mr. CLARK, of Florida, and myself. He wanted to know what Mr. CLARK said, and I gave him a correct account of what Mr. CLARK had said; and I did not tell him that Mr. CLARK said in his speech, "There are Senators and Representatives occupying seats in Congress to-day who have allied themselves with real estate sharks in this city to fleece

the Government of hundreds of thousands of dollars by seeking to sell to it large areas of land in out-of-the-way places for public-park purposes. I quoted Mr. CLARK to the reporter as having spoken of land deals in the past and not as to any such transaction now pending in Congress.

There was not, to my knowledge, any reporter present at the meeting except Mr. Brooke, of the Star, and the Herald reporter was not present during the meeting and received his matter for publication from me after the meeting had adjourned.

I make this statement without any solicitation upon the part of Mr. CLARK or any other person, but for the purpose of having justice done to all parties. Two Herald reporters called to see me, and I told them to correct their statement of January 7, 1913, to conform with the facts.

Respectfully,

W. M. POTTER.

Sworn to before me this January 10, 1913.

[SEAL.]

CHARLES M. EMMONS,

Notary Public, District of Columbia.

Mr. CLARK of Florida. Mr. Speaker, I desire to have printed in the RECORD a statement by Mr. Kyle B. Price, who was present and heard every word of that speech and who gives the lie to every statement in the Washington Herald.

The SPEAKER. The gentleman asks unanimous consent to have this document printed in his remarks. Is there objection?

There was no objection.

The document referred to is as follows:

HOUSE OF REPRESENTATIVES,
January 20, 1913.

Hon. FRANK CLARK,
House of Representatives.

DEAR MR. CLARK: I desire to make a statement relative to the articles published in the Washington Herald of January 7 and 10 containing alleged quotations of remarks made by you at the mass meeting on January 6 at 314 Pennsylvania Avenue SE.

As you know, I was present and addressed the meeting. I sat within 3 feet of you through your address. You did not make the statement published under quotations in the Herald of January 7. I called your attention to the article before the statements were made by you on the floor of the House. The Herald reporter approached me on the 8th and I told him that you did not make the statement, and as he was not present when any of the addresses were delivered he should not have published a hearsay statement of so much importance.

The reporter did not attend the meeting, but came in after it was over.

KYLE B. PRICE.

Mr. CLARK of Florida. I desire to have printed in the RECORD a statement signed by Dr. Charles M. Emmons, who presided at the meeting at which I spoke, and by Mr. W. E. Ryan, Mr. Martin J. Madden, Mr. Joseph Reardon, Mr. Thomas Hanlon, and Mr. Robert F. Bradbury, who give the lie to every statement contained in the Washington Herald.

The SPEAKER. The gentleman asks unanimous consent to have that document printed in his remarks. Is there objection?

There was no objection.

The document is as follows:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., January 20, 1913.

Hon. FRANK CLARK,
House of Representatives, Washington, D. C.

DEAR SIR: Noticing that the Washington Herald of January 7, 1913, purporting to give an account of a mass meeting held at Donohoe's Hall, 314 Pennsylvania Avenue SE., on the night of the 6th of January, 1913, at which meeting you delivered an address, and that the Herald in quoting, or attempting to quote, your remarks on that occasion used this language: "There are Senators and Representatives occupying seats in Congress to-day who have allied themselves with real-estate sharks in this city to fleece the Government of hundreds of thousands of dollars by seeking to sell to it large areas of land in out-of-the-way places for public park purposes, some of which are in ravines so deep that the Capitol could be set in them and you could not see the Indian which surmounts its dome"; also being aware of the fact that on the 8th day of January, 1913, on the floor of the House of Representatives, you denied making any such statement as is attributed to you by the Herald, we take this method of saying that each and every one of us whose name is signed to this communication was present at the meeting of January 6, 1913, and heard every word uttered by you on that occasion. We do not hesitate to say that there is not one word of truth contained in the report so printed in the Washington Herald of January 7, 1913, and that nothing you said on that occasion could be distorted into any such statement as that with which you are charged.

We desire to say further that the Washington Herald did not have at that meeting any reporter or other representative at the reporters' table or at any part of the hall to our knowledge; in fact, it was publicly stated by more than one speaker on that occasion that not a single newspaper of the city of Washington was represented at the meeting save the Washington Star, which was represented by Mr. Brooks.

We desire to say further that we were amazed to see published in the Washington Herald of January 10, 1913, a resolution alleged to have been passed by the East Washington Democratic Association, wherein it is alleged that the report of your speech as published in the Herald of January 7, 1913, was correct. We are informed that only 10 or 11 persons were present at that meeting.

Regardless of how many persons were present at said meeting, and regardless of what influences were brought to bear to impel them to act, the fact remains that the publication of the report of your speech in the Washington Herald of January 7, 1913, was absolutely and unqualifiedly untrue.

CHARLES M. EMMONS, M. D.,
Presided at the Meeting.
W. E. RYAN, 666 G Street NE.
MARTIN J. MADDEN,
412 Second Street NE.
JOSEPH REARDON,
THOMAS HANLON,
508 East Capitol Street.
ROBERT F. BRADBURY,
2226 Pennsylvania Avenue SE.

Mr. CLARK of Florida. I desire also to have printed in the RECORD a letter from Dr. Charles M. Emmons, the presiding officer of that meeting, who gives the lie to every statement contained in the Washington Herald.

The SPEAKER. The gentleman asks unanimous consent to have printed in the RECORD the document referred to. Is there objection?

There was no objection.

The letter is as follows:

WASHINGTON, D. C., January 22, 1913.

Hon. FRANK CLARK,
House of Representatives, Washington, D. C.

DEAR SIR: I desire to say that I was surprised to see you reported so incorrectly in the Washington Herald of January 7, 1913. I presided at the meeting as chairman of the evening and sat within 3 feet of you when you made your speech, and you did not make any statement that reflected in any way upon any Member of the present Congress.

I invited any reporters present to take seats at the table provided, and Mr. Brooks, of the Star, was the only newspaper reporter to respond. I know of my own knowledge that no representative of the Herald was present at our meeting during the time the speeches were made.

Respectfully,

CHAS. M. EMMONS, M. D.

Mr. CLARK of Florida. I want to say now, Mr. Speaker, that it is extremely unpleasant to me to again refer to this controversy; that this man Kennedy, who signs that resolution as secretary, was not present at the meeting at which I spoke. He is not secretary of the association, and knew absolutely nothing of what occurred.

I desire to say further that this man Riley, who has signed as president of the association, was present; that three or four nights ago, in company with three other gentlemen, I visited Riley, and Riley admitted to me that the statements of that resolution were absolutely and unqualifiedly lies; and that he begged those present not to pass the resolution; that they stated that the reason for it was that this reporter of the Washington Herald, whose name I do not know, whom I never saw, and do not know anything about, came to them and begged them to have a meeting, because he said that the owners or managers of the Washington Herald had said to him that his position was dependent on his establishing something to sustain the report which he had made of that meeting. And in order to save his job they passed this resolution; that there were about 10 men present.

Riley agreed to furnish me a written statement, that I could file with the other statements; he is an undertaker on Second Street SE.; I have visited his place and talked with him personally and over the telephone. Finally over the telephone Riley said in substance, "I am a citizen of Washington, and I can not afford to enter into any controversy with a newspaper in this city, because I have got to make my living here," and therefore he could not tell the truth.

Mr. Speaker, I want to say that the proprietors or managers of the Washington Herald who forced this young man or old man, whatever he may be, to resort to this method to procure an indorsement of a lie are just as much liars as the reporter who wrote the article, and he is the most infamous liar that I have ever come in contact with.

Now, Mr. Speaker, I am taking no advantage of my privilege here. I said in my first speech, and I say it now, that I am responsible everywhere, at any time, and on all occasions for denouncing this man and these people as a lot of consummate liars, and I would be delighted if they would send any of their cowardly and lying gang to see me. That is all I care to say, sir. [Applause.]

Mr. JOHNSON of South Carolina rose.

The SPEAKER. The gentleman from South Carolina.

Mr. MANN. Mr. Speaker, I ask for the regular order.

The SPEAKER. Will the gentleman withhold for a moment?

INTERNATIONAL CONGRESS ON SCHOOL HYGIENE (S. DOC. NO. 1023).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with accompanying papers, ordered to be printed and referred to the Committee on Appropriations.

To the Senate and House of Representatives:

On the 19th of August last Congress passed the following resolution:

Resolved, etc., That the President of the United States is hereby requested to direct the Secretary of State to issue invitations to foreign Governments to participate in the Fourth International Congress on School Hygiene, to be held in Buffalo, N. Y., August 25 to 30, 1913; Provided, That no appropriation shall be granted at any time hereafter in connection with said congress.

At the time the resolution was passed there were three gentlemen in Buffalo whose means and whose interest in the congress were such that the people of Buffalo had every reason to believe that the expense of the congress would be contributed by these, their citizens. Since that time the three citizens have died,

and there is no written obligation on the part of their estates to meet the necessary expenses.

I recommend the appropriation of \$30,000 (to which the citizens of Buffalo will have to add a substantial sum) as a contribution of the Government to the fund necessary to make the reception of the congress accord with what we regard as American hospitality.

Personally I am very much opposed to any invitation of this sort at the instance of the Government in which the Government does not assume all the expenses of entertainment. Other countries much less able than the United States never extend an invitation of this sort without having proper preparation for the reception of the guests of the nation.

In the peculiar circumstances of the present resolution I urgently recommend the appropriation of the sum mentioned to enable the obligation of the invitation to be properly met. The proviso in the resolution was an unfortunate one, in my judgment, but, whether it was so or not, under the circumstances it offers no reason for Congress not to take the proper course.

WM. H. TAFT.

THE WHITE HOUSE, January 22, 1913.

PANAMA RAILROAD (S. DOC. NO. 1022).

The SPEAKER also laid before the House the following message from the President of the United States, which was read: *To the Senate and House of Representatives:*

I transmit herewith, for the information of Congress, the Sixty-third annual report of the board of directors of the Panama Railroad Co. for the fiscal year ending June 30, 1912.

WM. H. TAFT.

THE WHITE HOUSE, January 22, 1913.

The SPEAKER. Ordered printed and referred to the Committee on Appropriations.

Mr. CANNON. That requires unanimous consent, I believe. I have no objection to it, but I want an understanding about it.

The SPEAKER. How does it require unanimous consent?

Mr. CANNON. Because there is nothing I know of that will dispose of it except a motion, in the absence of unanimous consent.

The SPEAKER. The Chair thinks it has been the universal practice for the Speaker to refer it.

Mr. CANNON. My understanding is that it has been the practice of the Speaker to refer it; but when you get the general annual message it goes to the Committee of the Whole House on the state of the Union by the action of the House. My understanding is that a single objection would bring it to the House to dispose of.

The SPEAKER. The rule is that the message of the President shall be referred to the proper committee without debate. That comes as near being automatic as you can have it.

Mr. CANNON. To what committee?

The SPEAKER. To the appropriate committee. The Chair passes on that in the first instance.

Mr. CANNON. I hope the Chair will examine that question before he makes a ruling as a precedent.

Mr. FITZGERALD. Mr. Speaker, the invariable practice has been for the Speaker to refer the message, and if any gentleman believes the Speaker erroneously refers it it is held to be a privileged motion.

Mr. CANNON. That applies to bills only.

Mr. MANN. A privileged motion at the time.

Mr. CANNON. At the time; that is right. Mr. Speaker, I do not desire to interpose an objection.

The SPEAKER. It has been the universal practice for the Speaker to refer the message, and the gentleman himself must have so decided it a hundred times.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. If the demand for the regular order should be made—and this is a request for information in the best of faith—and a conference report or some highly privileged matter did not intervene, would the business coming before the House be the unfinished business coming over from yesterday, the bill H. R. 23669, on which the previous question was ordered?

The SPEAKER. This particular question has never been passed upon. The truth is that the matter of Calendar Wednesday has never been construed except under the administration of my immediate predecessor, Mr. CANNON, and by the present occupant of the chair. Both the gentleman from Illinois [Mr. CANNON], when Speaker of the House, and the present occupant of the chair held that when business was unfinished on Calendar Wednesday it went over until the next Calendar Wednesday as unfinished business, and the present occupant of the chair has held, and the ruling has been universally ac-

quiesced in, that on account of the peculiar phraseology of the rule establishing Calendar Wednesday business that was not finished on Tuesday went over until Thursday. But no case like this has heretofore arisen. This is a case where the previous question has been ordered on the bill under consideration on Wednesday. There is no precedent on this particular rule, but there are precedents, and plenty of them, where the same case has arisen with respect to pension matters on Fridays and with reference to matters coming up on Mondays. The rulings seem to have made a differentiation between a bill that was not finished where the previous question was not ordered and a bill that had not been finished but where the previous question had been ordered, and as to unfinished business on Fridays and Mondays where the previous question had been ordered on a bill the ruling has been that it came up as unfinished business on the following legislative day. The Chair is unable to differentiate in his own mind between what ought to happen with respect to the Friday business and what ought to happen about the Calendar Wednesday business where exactly the same circumstances prevail.

Mr. MANN. If the Chair does not desire to rule, I wish to prefer a request for unanimous consent.

The SPEAKER. No; the Chair may as well rule now and be through with it. The Chair holds that where the previous question has been ordered on a bill under consideration on Calendar Wednesday which is unfinished it is the unfinished business on Thursday. As this is the first ruling ever made upon this question, if any gentleman desires to test it, he has the right of appeal.

AMERICAN ACADEMY OF ARTS AND LETTERS.

The SPEAKER laid before the House the following communication:

IN THE SENATE OF THE UNITED STATES,
January 21, 1913.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bills (S. 4355) incorporating the National Institute of Arts and Letters and (S. 4356) incorporating the American Academy of Arts and Letters.

Attest:

CHARLES G. BENNETT, Secretary.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6497. An act to protect migratory game and insectivorous birds in the United States.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 14053) to increase the pensions of surviving soldiers of Indian wars in certain cases, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McCUMBER, Mr. POINDEXTER, and Mr. GORE as the conferees on the part of the Senate.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6497. An act to protect migratory game and insectivorous birds in the United States; to the Committee on Agriculture.

LOAN COMPANIES IN DISTRICT OF COLUMBIA.

Mr. DYER. Mr. Speaker, I call up the conference report on the bill (H. R. 8768) known generally as the District of Columbia loan-shark bill.

The SPEAKER. The gentleman from Missouri calls up a conference report, which the Clerk will read.

The Clerk read as follows:

CONFERENCE REPORT (NO. 1290).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8768) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, 6, 7, 8, 9, 10, 11, and 12.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, and 5, and agree to the same.
That the Senate recede from its amendment to the title of the bill.

BEN JOHNSON,
J. A. M. ADAIR,
L. C. DYER,

Managers on the part of the House.

CHARLES CURTIS,
WM. P. DILLINGHAM,
T. H. PAYNTER,

Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8768) to regulate the business of loaning money on security of any kind, by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia, submit the following written statement in explanation of the effect of the action agreed upon and recommended as to each of the said amendments in the accompanying conference report:

On amendment No. 1: Strikes out the modification, proposed by the Senate, so as to permit individuals to loan their own money at a rate of interest not to exceed 10 per cent per annum, and without being required to obtain a license for engaging in such business.

On amendment No. 2: Inserts the provision, proposed by the Senate, with reference to requiring bonds to be renewed and refilled annually in October of each year.

On amendment No. 3: Strikes out the modification, proposed by the Senate, for the publication of the annual report in at least one newspaper of general circulation in the District of Columbia.

On amendment No. 4: Inserts the provision, proposed by the Senate, as follows:

No such loan greater than \$200 shall be made to any one person: *Provided*, That any person contracting, directly or indirectly, for or receiving a greater rate of interest than that fixed in this act, shall forfeit all interest so contracted for or received; and in addition thereto shall forfeit to the borrower a sum of money, to be deducted from the amount due for principal, equal to one-fourth of the principal sum: *And provided further*, That any person in the employ of the Government who shall loan money in violation of the provisions of this act shall forfeit his office or position, and be removed from the same.

On amendment No. 5: Agrees to the provision, proposed by the Senate, striking out section 7 of the House bill and inserting in lieu thereof a new section to be known as section 7. The only effect of this is to provide for a minimum as well as a maximum punishment for violation of the act and does not provide any greater punishment for the second or subsequent violation of the act.

On amendment No. 6: Strikes out the provision, proposed by the Senate, excepting from the act section 6, which section provides that no attorneys' or agents' fees shall be charged or collected in foreclosure of any loan exceeding 10 per cent of the amount found due in such foreclosure proceedings.

On amendment No. 7: Strikes out the provision, proposed by the Senate, that pawnbrokers shall not be included within the provisions of this act.

On amendment No. 8: Strikes out the provision, proposed by the Senate, that section 9 of said bill be stricken out, said section providing that it shall be unlawful to incorporate any provision for liquidated or other damages as a penalty for any default or forfeiture thereunder.

On amendment No. 9: Strikes out the provision, proposed by the Senate, that section 10 be stricken out, said section providing that nothing contained in this act shall be held to apply to the legitimate business of national banks, licensed bankers, trust companies, savings banks, building and loan associations, or real estate brokers, as defined in the act of Congress of July 1, 1902.

On amendments Nos. 10, 11, and 12: Strikes out the provision, proposed by the Senate, for the renumbering of sections 11, 12, and 13.

BEN JOHNSON,
J. A. M. ADAIR,
L. C. DYER,

Managers on the part of the House.

Mr. DYER. Mr. Speaker, the conference report upon this bill, H. R. 8768, leaves it in substantially the same form in which it passed the House. The only changes that are in-

cluded in this conference report are substantially as follows: First, that the bond given by these companies shall be refilled annually in October of each year; second, that no greater sum than \$200 shall be loaned to any one person, and providing further that any person in the employ of the Government who shall loan money in violation of the provisions of this act shall forfeit his office or position; and, third, it changes the punishment provided by the House by simply making a provision for minimum punishment as well as the maximum, and leaves the punishment about as it was. The report of the conferees, with the above unimportant exceptions, therefore leaves the bill practically as it passed this House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. MANN. Mr. Speaker, will the gentleman yield me one minute?

Mr. DYER. I yield the gentleman from Illinois one minute.

Mr. MANN. Mr. Speaker, I do not especially desire to oppose the conference report, though I am absolutely satisfied that no one can afford to loan small amounts of money at a rate of 1 per cent a month and pay the expense of preparing and filing the papers. It will be only a short time before Congress is asked to make further legislation in order to permit some poor man to borrow five or ten dollars when he has to have it.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

AMERICAN HOSPITAL OF PARIS.

Mr. CLAYTON. Mr. Speaker, I call up the conference report on the bill (S. 6380) to incorporate the American Hospital of Paris, and move the adoption of the report. It is printed in the RECORD of January 21, and I would like to have the statement read in lieu of the report.

The SPEAKER. The gentleman from Alabama asks unanimous consent to have the statement read in lieu of the report. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read.

The conference report is as follows:

CONFERENCE REPORT (NO. 1351).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6380) to incorporate the American Hospital of Paris, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same.

HENRY D. CLAYTON,
JOHN W. DAVIS,
JOHN A. STERLING,

Managers on the part of the House.

J. H. GALLINGER,
CHARLES CURTIS,
THOMAS S. MARTIN,

Managers on the part of the Senate.

The Clerk read the statement as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments to the bill (S. 6380) to incorporate the American Hospital of Paris, submit the following detailed statement in explanation of the effect of the action agreed upon and recommended in the conference report, namely:

1. It was agreed that the Senate recede from its opposition to the House amendment in the following words:

Provided, That the total value of the property owned at any one time by the said corporation shall not exceed \$2,000,000.

And that the Senate agree to this amendment. (Page 2, line 7.)

2. It was agreed that the Senate recede from its opposition to the House amendment in the following words:

Sec. 9. That this charter shall continue for the term of 50 years; *Provided*, That at no time shall said corporation hold real estate except for the necessary use of officers and hospital purposes of said hospital.

And that the Senate agree to the same.

Page 5, strike out lines 3 and 4 and insert the above.

HENRY D. CLAYTON,
JOHN W. DAVIS,
JOHN A. STERLING,

Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, by direction of the Committee on Appropriations I report back the bill H. R. 26680, with Senate amendments, and I ask unanimous consent to consider the bill in the House as in Committee of the Whole House on the state of the Union, to disagree to all the Senate amendments, and ask for a conference. (H. Rept. 1379.)

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 26680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes.

Mr. MANN. Mr. Speaker, do I understand the gentleman asks unanimous consent for the immediate consideration of the Senate amendments in the House as in Committee of the Whole House on the state of the Union?

The SPEAKER. Yes; the gentleman asked unanimous consent—

Mr. MANN. I shall ask for a separate vote at the proper time on two amendments.

The SPEAKER. The gentleman from South Carolina asks unanimous consent for the immediate consideration of these amendments in the House as in Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I ask for a separate vote on amendments numbered 31 and 68.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent to disagree to all the Senate amendments except Nos. 31 and 68.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to disagree to all the Senate amendments except Nos. 31 and 68. Is there objection? [After a pause.] The Chair hears none. The gentleman from Illinois [Mr. MANN] demands a separate vote on amendments numbered 31 and 68, and the Clerk will report amendment numbered 31.

The Clerk read as follows:

Amendment No. 31: Page 15 of the bill, line 4, strike out "\$2,500" and insert "\$3,000."

Mr. JOHNSON of South Carolina. Now, Mr. Speaker, I move to disagree to Senate amendment numbered 31.

Mr. MANN. Mr. Speaker—

Mr. JOHNSON of South Carolina. Does the gentleman want any time?

Mr. MANN. I think there ought to be some little discussion of this. I only want a moment or so as far as I am concerned.

Mr. FITZGERALD. I would suggest to the gentleman from Illinois that he take some time from the gentleman from South Carolina.

Mr. MANN. It may be I would not want any time if other gentlemen are going to discuss it.

The SPEAKER. Each gentleman who desires to speak is entitled to five minutes, and the gentleman will proceed.

Mr. MANN. Mr. Speaker, I suppose other gentlemen will discuss the amendment. This amendment is one of three Senate amendments increasing the compensation of the clerk, the assistant clerk, and the janitor of the Committee on the Judiciary of the House. This particular amendment is the one which relates to the Clerk.

The clerk now receives \$2,500 per annum, and that was the amount carried in the bill as it passed the House. The Senate by amendment has increased or proposes to increase the amount to \$3,000. As it seems to me whatever is done with these employees of the Judiciary Committee is likely to be done sooner or later with the employees of the other large committees of the House, it seems to me desirable to have a vote in the House on this subject and not leave it either to the Senate to determine what should be the compensation of House employees or to leave it to go into a final conference report, or even to leave it so that the conferees on the part of the House might be subject to the natural pressure of friends of the clerk who desire the salary increased. If it shall become the intention of the House to increase the salaries of all of these clerks of major committees, I have no complaint to make about it. I am not sure but this salary ought to be increased, but I am quite sure that the Members of the House ought to determine the matter in the House by a vote here.

The SPEAKER. The question is on the motion of the gentleman from South Carolina to disagree to Senate amendment 31.

The question was taken, and the Speaker announced the ayes seemed to have it.

On a division (demanded by Mr. MANN) there were—ayes 133, noes none.

So the motion to disagree was agreed to.

The SPEAKER. The Clerk will report amendment No. 68.

The Clerk read as follows:

Amendment No. 68: On and after October 1, 1913, the whole number of collection districts for the collection of internal revenue and the whole number of collectors of internal revenue shall not exceed 67.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House disagree to the Senate amendment.

Mr. MANN. Mr. Speaker, last year, I think it was, the House in passing one of the appropriation bills cut down the number of internal-revenue collection districts by three. Is not that correct?

Mr. KAHN. Four.

Mr. MANN. Well, whatever the number is; we have often heard in the House how impossible it was to reduce a salary or dispense with a job. I do not know just how it happened that without a terrible contest it has been possible for Congress to agree on the reduction of the number of collection districts from 67 to 63. I think it might be well that they be reduced 50 per cent more. But, however, it was last year. As soon as the reduction is again in force, up comes again the same old war cry against dispensing with a job. The Senate has now proposed an amendment in this bill to restore the number of these collection districts to what it was before the spasm of economy struck Congress. I expect to have, at least, a standing vote on this subject in order to ascertain whether we have the same feeling after election as to reducing economy as we had before.

Mr. JOHNSON of South Carolina. The members of the committee representing the Committee on Appropriations in the House of Representatives in the last session of Congress endeavored to reduce the number of collection districts. We have not changed our position. The bill went to another legislative body, and there the number was increased. I know of no reason why we should not stand by what we did at the last session of Congress.

Mr. RAKER. Will the gentleman yield there?

The SPEAKER. Will the gentleman from South Carolina yield to the gentleman from California?

Mr. JOHNSON of South Carolina. Yes, sir.

Mr. RAKER. In the recommendation of the committee or action of the committee was there any special place named or picked out where these districts should be abandoned or consolidated?

Mr. JOHNSON of South Carolina. No; because the internal-revenue districts are arranged by the executive department of the Government. We simply provided the whole number of districts should not exceed 63. The President, in the exercise of his discretion, discontinued certain internal-revenue districts.

Mr. RAKER. Does the gentleman have the information as to the four that have been discontinued?

Mr. JOHNSON of South Carolina. One was discontinued in Texas, one in Pennsylvania, one in South Carolina, and one, I think, in California. [Laughter.] But the one in South Carolina did not affect me.

Mr. RAKER. Personally, of course, it does not affect me, but it affects the State of California, and that is sufficient to make me interested in this matter; but I want to call the gentleman's attention to the fact—and the House, I think, will consider it—that there was a provision in the bill reducing the number from 67 to 63 last year, but somebody, somewhere, or somehow, went into the most populous and most necessary district in the State of California, the one containing the capital of that State, where it is absolutely necessary there should be a revenue office and a collector, and the office was abandoned and consolidated and sent 100 miles from Sacramento, taking it right out of that great Sacramento and San Joaquin Valley, where they need it.

Mr. FITZGERALD. They did not expect California to get much sympathy from this administration, did they?

Mr. RAKER. It is a question of business and not a question of politics with me.

Mr. FITZGERALD. It is the gentleman's misfortune. [Cries of "Vote!" "Vote!"]

Mr. RAKER. Mr. Speaker, in regard to this matter it seems to me that it is an unwise provision to reduce these collectors, leaving it absolutely undetermined where the cut shall be applied, and to go into a populous district where much work is being done, as in the district of Sacramento in the State of California, a district which is populous and growing all the time, and where a large internal-revenue business is transacted, and remove the office. This order came as a thunderclap from a clear sky, to the effect that on a certain day the revenue office

at Sacramento should be abolished and all the business and books would be transferred to San Francisco, when, as a matter of fact, the Chamber of Commerce at Sacramento, and those interested at Redding, and those at Red Bluff, and at Vina, one of the largest territories in the West, being an internal-revenue district, knew there was too much work for the collector and his assistants in San Francisco at the time of the abandonment of the office at Sacramento and its transfer to San Francisco.

When the Government intends to provide the necessary equipment, including men to do the business, the necessary office force ought to go into the place that needs the work and needs the men, to the end that those who are paying the revenue to the Government, those from whom the Government is receiving revenue and with whom it is doing business should be accommodated, and that particular collection district ought not to be abandoned; one that is doing a good business and is much needed should not be abolished.

Now some of the Members of the House might think this is in my district. It is not. That does not make any difference. The State of California and the people of that district are entitled to consideration. On a question of economy, I stand for economy as well as any man on earth, but when you talk about depriving the citizens of a community of the necessary means by which they do their business, it is not economy. Efficiency is economy; if it costs to have efficiency, expenditure is not wasteful when needed if it give efficiency and service to the public. If you spend a thousand dollars and get back a thousand dollars' worth, that is economy, if it is needed. If you appropriate \$100,000 and get only \$50 worth back in service, that is waste or graft, if you please, and not economy. While I am a Member on this side of the aisle I shall contend that the necessary money should be supplied wherever that money is needed to advance the conditions of this country, and improve it as it ought to be improved, and keep it virile as this Nation ought to be kept, and that wherever there are places where the citizens of this country require offices and officers necessary for them to do their business, we ought to provide them with those necessary assistants and not cut them out of that consideration that they ought to have.

While I do not know anything about the other three, I can say to this House from personal examination and from discussing it with numbers of men, not only those living in town, but also those out in the country, who have the material put in bond and who deal with this particular revenue office, that they say it will practically, in some instances, injure their business and drive it away from their localities. The testimony in the hearing before the Committee on Appropriations shows that these officers should be restored. The following is what occurred in the hearing:

REDUCTION OF INTERNAL-REVENUE DISTRICTS.

[See also p. 62.]

Mr. JOHNSON. Mr. Cabell, the last legislative bill reduced the number of internal-revenue districts to 63. Have you been embarrassed by that reduction?

Mr. CABELL. Very greatly.

Mr. JOHNSON. I was hoping we could effect a still further reduction. Mr. CABELL. Practically no saving has resulted from it, and a great inconvenience to the taxpayer has resulted, and also the requirement of a strong-arm policy on the part of the Government. If the Government were willing to stand the criticism and cause the taxpayer as much more inconvenience in cost as the money they collect, they could collect everything from Washington. You could just say: "You must come here. We do not care for your inconvenience or the cost to you." The collector's offices are established primarily for the convenience of the taxpayer and secondarily for closer supervision of the work. Now, there is no question but that the abolition of those offices has cost the taxpayers many times what is the normal saving to the Government. It requires the taxpayers to take long trips to see about their plans for distilleries and breweries and the settlement of technical questions, where they have to personally confer with the collector, and incidentally we lose closer supervision of the service, and there is no question in my mind that the Government has lost by it and that the taxpayers have also greatly lost by it.

Mr. JOHNSON. Mr. Cabell, on page 112 is a table that is furnished under the requirements of the law by a statistician in your bureau, or in whatever bureau of the Treasury Department has to furnish it, which neglects to give us the totals.

Mr. CABELL. The totals of the appropriations or the totals of expenditures?

Mr. JOHNSON. It gives the salaries and then the total salaries of the collectors and the total traveling expenses, but does not show what the balances are.

Mr. CABELL. For 1912 the total appropriation was \$2,150,000. The total expenditures were \$2,105,472.27. There was a balance of \$44,527.73. The reason for that balance is that you have such criminal penalties for running over your allowance in even any one month that nobody is going to take any chances on that. For this year you gave us \$2,100,000. We must leave a certain amount of that unallotted to put a buffer between the expenditures and going to jail, and you have got to leave about \$50,000 for that. You see we have 63 districts and some 2,000 men paid from this appropriation, and we can not possibly estimate in advance what their traveling expenses, etc., are going to be. We can not possibly estimate in advance how many breweries are going to put in pipe lines, where the law requires us to assign an officer, and for the first time in the history of the Internal Revenue Bureau we have appropriated down below the \$10,000 reserve,

and both our chief of the Accounts Division and the deputy commissioner in charge of this work have made me give an assurance that I will go to jail and not them. It is probably presumptuous in me, but I take the liberty of repeating what I have said before: You can not draw the line on appropriations for collecting money like you can on appropriations for spending money. In appropriations for spending money every dollar not appropriated is a dollar saved, but when you are collecting money the failure to spend a dollar may lose you \$500.

Mr. GILLET. What do you mean by that?

Mr. CABELL. Suppose you do not send a deputy to canvass a certain territory. Suppose you do not send a man to put a distillery under surveillance; where one can steal \$500 a day, and suppose, in order to cut expenses, the collector directs a deputy, in making his monthly trip, that he need not canvass one county because it costs him \$15 for livery, and suppose you lose \$2,000 from that county in that period. I do not think any person could be familiar with the facts and not know that we lose at least 1 to 2 per cent of the tax a year, one-half of which is collectible if we had the men to go after it. One per cent of the internal-revenue tax is three million two hundred and twenty some thousand dollars.

Mr. GILLET. You think you do now lose that much? How do you calculate that you lose 2 per cent?

Mr. CABELL. Just on the general principle of how close we canvass, and just figuring on where we put additional men into the field the returns that come from it. So that if you put more men in the field on the same ratio you would get more revenue.

Mr. GILLET. They evade a certain amount of the tax.

Mr. CABELL. They evade and overlook it. Some of them unconsciously make returns that are in their own favor. Of course, we are a little suspicious of all returns of that kind. In the corporation-tax work alone, for instance, as a result of 15 of our agents examining less than one-third of the country, they have actually turned into the Treasury in two years a million and a half dollars. Now, two-thirds of the country is not touched and three years is the extreme limit in which you can correct any of those returns. I am satisfied there is a million and a half or two million dollars of corporation tax that has not been collected and never will be collected unless the force of agents on this work is increased.

Mr. GILLET. But if you had had sufficient force you could have collected it?

Mr. CABELL. If we had 20 men more we could have turned in over a million dollars additional.

Mr. GILLET. So our failure to appropriate enough has cost probably—

Mr. CABELL (interposing). The failure to spend \$100,000 has undoubtedly cost from a million and a half to two million dollars in cash. There is no question about that.

[See also p. 59.]

Mr. JOHNSON. Mr. Cabell, I would like to ask you one other question about the reduction in the districts. They were reduced from 67 to 63. You think we can not reduce any more. What process was adopted in the reduction of the four?

Mr. CABELL. That was done by the President at the White House, and I could not tell you.

Mr. JOHNSON. It was done by Executive order?

Mr. CABELL. Yes, sir.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OLMSTED. Mr. Speaker, the bill which was passed last year reducing the number of revenue-collection districts by four was put into operation, and I assume that the Executive in determining which districts should be abolished chose those where the least inconvenience would result to the public and the least detriment to the public service.

Two of the districts consolidated were in the State of Pennsylvania. I can only say that if in the other consolidations there resulted the same inconvenience to the public and the same detriment to the public service the four districts ought to be restored. In abolishing the four districts Republican officeholders went out of office. It is equally true, as we all know, that if these districts are restored Democratic officers will be appointed. But notwithstanding that fact, judging from the experience of the Pennsylvania district that was abolished, I am heartily in favor of restoring the four revenue-collection districts.

Mr. FARR. Mr. Speaker, one of the districts affected by the reduction a year ago in the number of internal-revenue districts is that which I have the honor to represent. The headquarters were in Scranton. In Lackawanna and Luzerne Counties alone there are more than 600,000 people. The revenues of that district, the twelfth district of Pennsylvania, which was merged into the ninth district very unexpectedly, and to the great disappointment and chagrin of the people, increased \$818,000 in the five years from June, 1906, to June, 1911. The revenues will continue to increase at a rapid rate in the future.

There were 30 districts or more in the United States with smaller revenues than my district, the twelfth district of Pennsylvania. I want to say to this House that it was against the interest of the public service to abolish any one of these districts, and that originally the thought was not to disturb one of these 4 districts. The President issued an order abolishing 4 other districts. That order was rescinded within a few hours, and 4 other districts than those intended to be abolished were stricken out, one of which was the twelfth Pennsylvania. Now I want to repeat what the gentleman from Pennsylvania my colleague [Mr. OLMSTED] said. We realize as Republican that we are going to lose the patronage of that office, but nevertheless we want that office restored. The question of patronage is immaterial, but it is material for northeastern Penn-

sylvania, with our great interests, to have this district reestablished.

In this connection let me quote from the statement of Mr. Royal E. Cabell, Commissioner of Internal Revenue of the United States, to the subcommittee in charge of the legislative, judicial, and executive appropriation bill:

Mr. JOHNSON. Mr. Cabell, the last legislative bill reduced the number of internal-revenue districts to 63. Have you been embarrassed by that reduction?

Mr. CABELL. Very greatly. Practically no saving has resulted from it, and a great inconvenience to the taxpayers has resulted, and also the requirement of a strong-arm policy on the part of the Government. * * * The collectors' offices are established primarily for the convenience of the taxpayer and secondarily for closer supervision of the work. Now, there is no question but that the abolition of those offices has cost the taxpayers many times what is the normal saving to the Government. It requires the taxpayers to take long trips to see about their plans for distilleries and breweries, and the settlement of technical questions where they have to personally confer with the collector, and incidentally we lose closer supervision of the service, and there is no question in my mind that the Government has lost by it and that the taxpayers have also greatly lost by it.

These statements of Commissioner Cabell apply with particular force to the former twelfth Pennsylvania district, a great and rapidly growing district, comprising the great anthracite producing counties of Lackawanna, Luzerne, and 18 other counties, with a total population, according to the last census, of 1,331,897 persons. The nominal saving of not more than \$7,000 a year, caused by the merging of that district in the ninth Pennsylvania, will be small compared with the additional cost to the taxpayers by inconvenience and the actual loss to the Government through lack of the close supervision so essential to best results. Considerable of this nominal saving will be used with additional expense necessary to assemble from the greater distances the field forces, as is customary several times a year, for suggestions and discussion in the interest of the service. I repeat without hesitancy that the abolishment of the twelfth Pennsylvania district has resulted in a detriment to the service, a loss to the Government in revenues, and a great and costly inconvenience to the taxpayers.

The following statement of the twelfth revenue district of Pennsylvania, as per report for fiscal year ending June 30, 1911, will indicate the importance of this district.

Rectifiers.....	26
Retail liquor dealers.....	5,364
Wholesale liquor dealers.....	90
Brewers.....	46
Retail dealers, malt liquors.....	147
Wholesale dealers, malt liquors.....	406
Retail dealers in oleomargarine.....	226
Wholesale dealers in oleomargarine.....	3
	6,308
Cigar factories.....	245
Total.....	6,553
<i>Statement of receipts from each kind of business.</i>	
Spirits.....	\$228,306.22
Tobacco.....	518,478.37
Beer.....	1,521,101.18
Oleomargarine.....	2,030.17
Special excise tax on corporations.....	241,869.72
Penalties.....	4,101.90
Total collections for twelfth district.....	2,515,887.56
<i>Expense of conducting business, 1.58 per cent.</i>	
Collections June 30, 1911.....	2,515,887.56
Collections June 30, 1906.....	1,626,908.19
Gain.....	818,979.37

Scranton, where the headquarters for the twelfth district was located, is the immediate center of one of the most densely populated areas on the continent, with the exception of the suburbs of a very few of the greatest cities.

According to a Census Office bulletin issued March 7, 1912, its "metropolitan" population (i. e., within 10 miles) was 314,538. This exceeds the similar populations of such cities as Louisville, Fall River, Lowell, Rochester, Seattle, Indianapolis, New Haven, Worcester, Columbus, Denver, Portland (Oreg.), Birmingham, Atlanta, Omaha, Syracuse, Toledo, Memphis, Richmond, Bridgeport, Dayton, Nashville, Grand Rapids, or Spokane.

These figures (314,538) do not include the important city of Wilkes-Barre, 18 miles south of Scranton, or its enormous suburban population, which would be affected almost equally with Scranton by the removal of the internal-revenue office from this city.

More than 700,000 people reside within 25 miles of Scranton, and a radius of 40 miles would embrace a population probably in excess of 1,000,000.

Scranton and the Lackawanna Valley is one of the richest regions on the globe in the per capita value of its output, and this territory of marvelous growth in population and wealth is

justly entitled to all of the conveniences and benefits which the Government can provide.

I contend, Mr. Speaker, that it was an injustice to this great and growing territory to deprive it of the convenience of this revenue district and that it should be restored at the earliest opportunity for the good of the service and the accommodation of taxpayers.

Mr. FITZGERALD. In view of what the gentleman has said, perhaps it will be interesting to have some facts about this situation. Those in charge of this service gave information to Congress that four districts could be abolished. Congress provided that the number of internal-revenue districts should be reduced by four. When it became necessary to reduce the number, four districts were abolished, none of them being of those mentioned as unnecessary when the matter was presented to Congress. It may or may not be somewhat significant that the districts abolished were in California, Texas, South Carolina, and Pennsylvania. Gentlemen who will study the election returns may find the reason for the abolishment of these districts, especially when they read the hearings before the committee with reference to the districts that were then believed by those in charge of the service to be unnecessary.

Mr. RAKER. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. RAKER. Now, having found that out, and having the opportunity to correct it, and knowing the necessity for it, ought we not, for the efficiency of proper governmental service, to restore a place like that.

Mr. FITZGERALD. If that were a fact, I would say yes, and I hope that when the 4th of March comes the gentleman will be able to show those in charge of the administration what the facts are, and that he will be able to have the reasons control the establishment or discontinuance of these districts that Congress expected would control when it enacted the legislation.

Mr. RAKER. There is over half a million dollars of business done there. Does not that make it plain that it is necessary for the proper conduct of the public service?

Mr. FITZGERALD. If it be necessary for the conduct of the public service, and the executive department between this time and the next session of Congress will not readjust matters there as they should be for the proper transaction of the public business, I do not believe Congress will have any justification to refuse to create or provide an additional district to take care of that situation, even though some others may exist that are not necessary.

Mr. MANN. Will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. MANN. Considering the amount of agitation and discussion which has been had with reference to this subject of the abolishing of four internal-revenue districts, I should like to ask the gentleman whether he expects any better results will be attained in the abolishment of a large number of custom-houses in accordance with the proposition which he skillfully put through last year?

Mr. FITZGERALD. If the same policy be followed and the same reasons be adopted for abolishing customs districts as it is apparent were followed and adopted in abolishing the internal-revenue districts, I shall not hesitate to ask the Congress to repeal the law authorizing the reorganization of the customs service. Congress expects an administration to carry out laws in the interest of the public service and not in the interest of partisan politics. [Applause.] If that is to control, I do not think there will be any doubt about what will happen.

Mr. BUCHANAN. I should like to ask the chairman of this committee if his attention has been called any further to the question of the piecework that is provided for in this bill? The question was raised by my colleague [Mr. MANN] during the consideration of this bill as to piecework in the office of the Auditor for the Post Office Department. I wish to say to the chairman—who, I believe, was fair about all of these things—that since the time I made the inquiry I have received information which satisfies me that there is a condition there under that piecework system which he himself would not permit to exist if he understood it. The employees there, instead of being satisfied, and their wages being increased, as reported by the head of the department, are being worked long hours for a small wage and under a condition that is impairing their health. If it is not too late, it seems to me this matter ought to be corrected. I ask the gentleman, if it is possible to take this matter up yet, that he give this question a little attention before the conference committee on this bill.

Mr. CANNON. Mr. Speaker, I move to strike out the last word. I have here the official report—the latest I could get—which is for the fiscal year 1911, expiring on the 30th of June, 1912. There seems to be three California districts, one of which

has been consolidated out. The San Francisco district collected almost \$7,000,000 in round numbers. Just a little way from San Francisco—I was going to say a stone's throw, but it is farther than that—is Sacramento. There was collected in that district \$713,171.09. Down in Los Angeles, the other district, the collections amounted to \$948,810.24. I have not had time to examine as to Texas or as to the districts that were consolidated.

Mr. FITZGERALD. Will the gentleman yield?

Mr. CANNON. Certainly.

Mr. FITZGERALD. Will the gentleman read the figures in the two Iowa districts? They are right there in the report, and have not been consolidated.

Mr. CANNON. Oh, it may be that further consolidations are needed.

Mr. KENDALL. Will the gentleman yield?

Mr. CANNON. Yes.

Mr. KENDALL. There is no doubt whatever but that the two revenue districts in Iowa ought to be consolidated.

Mr. FITZGERALD. That is what Congress had in mind, but they have not been consolidated.

Mr. CANNON. The statement of the gentleman from Iowa is honest. There is the district of Peoria, Ill., where they collect forty or fifty million dollars. The Chicago district is a very large one. Now, I just give the facts. How far is it from San Francisco to Sacramento?

Mr. KAHN. Ninety-one miles.

Mr. CANNON. It may be that that district ought to have been consolidated. I have thought for many years that perhaps other districts ought to be consolidated, and while I am talking about it, the law went into effect giving the President power to consolidate customs districts. He has full power. I believe there has not as yet been a report. Rather than to restore these districts, in my judgment, it seems to me that legislation might be in order to force other consolidations. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I am very anxious to take a vote, but in view of the question propounded by the gentleman from Illinois [Mr. BUCHANAN] I feel like I ought to make a statement. When this bill was under consideration in the House I was asked if there had been any complaint about piecework. I stated that no complaint had been made to the committee. After the bill passed the House and went to the Senate I saw something in one of the Washington papers to the effect that some people in the Auditor's office for the Post Office Department were dissatisfied.

On the following Sunday after that statement was made I spent several hours in the Auditor's office for the Post Office Department. I examined the pay roll of those who were engaged in piecework. I found that out of 183 people who were employed on piecework, 17 of them are making less money than they made before. All the others are making more, some as high as 95 per cent more than they made when they were on a salary. I asked if it was true that these people were working long hours and under unfavorable conditions. I was assured that no persons doing piecework were allowed to go on before 9 o'clock in the morning or to continue after half past 4 in the afternoon. Mr. Speaker, I ask for a vote.

Mr. MOORE of Pennsylvania. Will the gentleman yield for one question?

Mr. JOHNSON of South Carolina. Yes.

Mr. MOORE of Pennsylvania. I have been unable to learn from a hurried inspection of the report whether it carries the provision with reference to soldiers who are required to make efficiency ratings in establishments other than executive departments.

Mr. JOHNSON of South Carolina. There is such an amendment to the bill.

Mr. MOORE of Pennsylvania. The bill carries that amendment?

Mr. JOHNSON of South Carolina. The bill carries that amendment, and it has been disagreed to.

Mr. MOORE of Pennsylvania. I ask unanimous consent to print in the Record as a part of my remarks a letter from Gen. John C. Black on that subject.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to print the letter he refers to. Is there objection?

There was no objection.

The letter is as follows:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., January 22, 1913.

Hon. J. HAMPTON MOORE,
House of Representatives.

SIR: Referring further to your letter of December 21, 1912, stating that you have been requested by one of your constituents to inquire as to the interpretation of that portion of the recent amendment of the

legislative act pertaining to Civil War veterans, especially as to the departments to which it applies, I have the honor to invite your attention to page 1618 of the CONGRESSIONAL RECORD of January 16, 1913, the amendment offered by Senator SUTHERLAND to the legislative bill to add to the certainty and clearness of the law. He said that he had added, after the word "department," the words "or independent establishments," because there are some establishments that are not under the executive departments. He said also that the original law did not include the word "hereafter"; and he had also added, after the word "rank," the word "class," and after the word "salary" the words "or compensation," so as to embrace the whole subject matter. With these changes he had put in the limitation that it should apply only to soldiers, sailors, and marines who had seen active service in the Civil War, the Spanish-American War, or the Philippine insurrection.

I quote from a recent letter written by me, as follows:

Section 4 of the legislative act approved August 23, 1912, is as follows:

"The Civil Service Commission shall, subject to the approval of the President, establish a system of efficiency rating for the classified service in the several executive departments in the District of Columbia based upon records kept in each department and independent establishment with such frequency as to make them as nearly as possible records of fact. Such system shall provide a minimum rating of efficiency which must be attained by an employee before he may be promoted; it shall also provide a rating below which no employee may fall without being demoted; it shall further provide for a rating below which no employee may fall without being dismissed for inefficiency. All promotions, demotions, or dismissals shall be governed by provisions of the civil-service rules. Copies of all records of efficiency shall be furnished by the departments and independent establishments to the Civil Service Commission for record in accordance with the provisions of this section: *Provided*, That in the event of reductions being made in the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped or reduced in rank or salary."

"Manifestly it was the intention of Congress that efficiency ratings should be based upon the records of the individual employees, kept in each executive department and each independent establishment, and that the employees should have the right to have their efficiency ratings established on such records so kept and not upon others or by combining any others."

"It is manifest that the Congress intended to extend the benefits of its laws to each and every one of the properly enrolled employees of the Government, and all of this in regard to the promotion, demotion, or dismissal contemplated by the statute."

"After all this was done, some wise and kind man, having reference to the weakening hold on the public of the veteran soldiers, had added, and the committee reported, that in the event of reductions being made in the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped or reduced in rank or salary. I wish he had included 'independent establishments.'"

"Inasmuch as this statute established an exception to the general rule, and under our system of interpretations such exceptions are construed strictissimi, it does not appear to me that the soldiers in the independent offices are included within the precise exception named in the statute. If the Congress intended otherwise and inadvertently omitted that statement, remedial legislation is easy; but the fashion of amending statutes by the will or notion of any administrative officer or his conception of what is good is so far-reaching and dangerous that it never ought to be indulged in. I am of opinion that the helping words of the statute do not refer to the honorably discharged soldiers in the Government Printing Office."

Very truly, yours,

JOHN C. BLACK.

The SPEAKER. The pro forma amendment of the gentleman from Illinois is withdrawn, and the question is on disagreeing to Senate amendment 68.

The question was taken; and on a division (demanded by Mr. MANN) there were 124 ayes and 11 noes.

So the motion was agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House ask for a conference and appoint conferees.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. JOHNSON of South Carolina, Mr. BURLESON, and Mr. GILLET.

THE LATE SENATOR HEYBURN.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent for the present consideration of the order which I send to the desk and ask to have read.

The Clerk read as follows:

Ordered, That Sunday, the 23d day of February, 1913, be set apart for addresses on the life, character, and public services of Hon. WELDON BRINTON HEYBURN, late a Senator from the State of Idaho.

The SPEAKER. The question is on agreeing to the order.

The order was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DOREMUS, for 10 days, on account of important business.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. SPARKMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 28180) making appropriations for construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. If the motion of the gentleman from Florida should prevail and the House should resolve itself into the

Committee of the Whole House on the state of the Union for the further consideration of the river and harbor appropriation bill, would that interfere with the House bill that is now the unfinished business being the unfinished business to-morrow morning? I refer to the reclamation town-site bill, which, with the previous question operating, would naturally come before the House as the unfinished business to-day. If the House should adopt this motion and no point of order be made or no call for the regular order demanded and go on with the consideration of the river and harbor bill this afternoon, would that displace the other bill as the unfinished business whenever that order is reached?

The SPEAKER. It would not.

Mr. MANN. If the Chair so holds, I shall not call for the regular order.

The SPEAKER. The question is on the motion of the gentleman from Florida that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the river and harbor appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the river and harbor bill, with Mr. Moon of Tennessee in the chair.

Mr. SPARKMAN. Mr. Chairman, just before the committee rose on Tuesday an order was made passing over temporarily certain items at the request of the gentleman from Illinois [Mr. FOSTER], with the understanding that we would return to them when the House next resolved itself into the Committee of the Whole House on the state of the Union for the consideration of this bill. Those items appear on page 14 of the bill.

The CHAIRMAN. Without objection, the committee will return to them.

Mr. MOORE of Pennsylvania. Mr. Chairman, why not go back to the beginning? We started to pass these items on page 10 of the bill.

Mr. SPARKMAN. I would have no objection to that.

Mr. MANN. There was a special order that the items in which the gentleman from North Carolina [Mr. SMALL] was interested should come up first, as a matter of personal accommodation.

Mr. MOORE of Pennsylvania. Very well.

Mr. SPARKMAN. Mr. Chairman, the question is pending on the motion of the gentleman from Illinois [Mr. FOSTER] to strike out the paragraph on page 14, from lines 9 to 20, inclusive.

The CHAIRMAN. The Clerk will report the paragraph.

The Clerk read as follows:

Improving inland waterway from Norfolk, Va., to Beaufort Inlet, N. C.: Continuing improvement in accordance with the report submitted in House Document No. 331, Sixty-second Congress, second session, \$800,000: *Provided*, That no part of this amount shall be expended until the canal and appurtenant property belonging to the Chesapeake & Albemarle Canal Co. shall have been acquired by the United States by purchase in accordance with the agreement entered into between the Secretary of War and said company under date of February 17, 1912.

Mr. FOSTER. Mr. Chairman, I desire to say a word with reference to this paragraph, beginning on line 9, page 14. On Tuesday I moved that this paragraph be stricken out of the bill. If it is necessary, I will renew that motion at this time. This provides for \$800,000 for the improvement of this inland waterway which the Government has authorized to be purchased for the amount of \$500,000. In the river and harbor act of 1910 there was an authorization for surveying and estimating with reference to this canal. As the Members here no doubt know, there were two canals, and it was proposed to buy whichever one, in the judgment of the engineers, was the cheapest and best to purchase. After some deliberation it was decided to buy what is known as the Chesapeake and Albemarle Canal. Such an amendment was put on the bill in the Senate. In the river and harbor act of 1912 the appropriation for the purchase of this canal was made and the authorization for its purchase was contained in that bill.

Since that time I understand the Government has been endeavoring to secure a title to this property, but some difficulties have arisen with reference to the title, and that these people up to the present time have been unable to give the Government or to insure to the Government a proper title to this property. For instance, one difficulty was they claimed that a lot of land that was owned along the route of this canal should not be deeded to the Government, and other matters came up so that it has been delayed until to-day the Government does not have title to this property. Now, in the appropriation bill of 1912 there was an appropriation for the improvement of this prop-

erty to the extent of \$100,000. And to-day we are asked to appropriate in this bill \$800,000 for improving, and each time in the bill providing that it shall not be paid until, of course, the title to the property is secured. This bill carries something like \$40,000,000. I do not know whether the sundry civil bill will carry anything for maintenance of rivers and harbors or not, but I judge it would be in the neighborhood of what it was in the last bill—about \$12,000,000—so that the total amount for the new project and maintenance of river and harbor work amounts to more than \$50,000,000. I do not object to proper appropriations for rivers and harbors of the country. I believe that it is proper and right that the Government should take whatever care is necessary and appropriate whatever money is necessary for the improvement of rivers and harbors and for the maintenance of the work that has already been completed and to go ahead with the construction that is necessary, but I do believe that here is an item of \$800,000 that should be taken out of this bill and the river and harbor work of the country would not be hindered in the least, and all I ask in striking out this paragraph is that we might save \$800,000 which is unnecessary to appropriate at this time and wait until a future time if it does become necessary.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER. I ask for five minutes additional.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Chairman, I would like to ask the gentleman one question if he will yield.

Mr. FOSTER. Certainly.

Mr. MOORE of Pennsylvania. Would the gentleman make the same argument with reference to other projects in this bill he makes against this one particular project along the Atlantic seaboard?

Mr. FOSTER. Well, I will say to the gentleman this, that I am not making promises of what I propose to do until I see what may be done in this.

Mr. MOORE of Pennsylvania. Does the gentleman object to a provision of this kind in projects of national importance in other sections of the country?

Mr. FOSTER. I want to say to the gentleman from Pennsylvania that if there is a meritorious project anywhere I am not objecting to it, and I am not taking it because it is sectional. I would be unfit to represent my constituency in this House should I stand upon this floor and advocate a thing on account of it being sectional.

Mr. MOORE of Pennsylvania. I give the gentleman full credit for that, and I am sure the country does; but if the gentleman knew there was in the country an increase in population and the necessity for a project of this kind would he stand and knock it out of this bill while he permitted other paragraphs to go in not equally meritorious?

Mr. FOSTER. I do not care to answer that question at this time, because I think it is irrelevant to this proposition. I will say to the gentleman from Pennsylvania, I believe every proposition should stand by itself. The great difficulty with projects of this kind and all others that are contained in bills of a similar nature is that I tickle you and you tickle me. [Applause.]

Mr. MOORE of Pennsylvania. That would be the best policy if we are to deal fairly with all sections according to commercial necessity. I can point the gentleman to a great many paragraphs in this bill to which he might object.

Mr. FOSTER. I hope the gentleman with that patriotism that I believe he possesses, when he finds items in this bill that in his judgment are not meritorious and are as unnecessary as this one is, I believe, this year, ought to move to strike them out of the bill, and not because any other section of the country may come here and—

Mr. MOORE of Pennsylvania. Would not the gentleman listen to some argument with regard to statistics and the commercial necessity with regard to life and property involved in this very item?

Mr. FOSTER. Let me say to my friend from Pennsylvania that we have not yet a title to this property—that the Government has no title. I do not know but it may be contended that we are soon to have title, and it may be possible we will get the title. I do not know, nor does the gentleman from Pennsylvania know, that we will have a title to this property in the next 12 months.

Mr. MOORE of Pennsylvania. Surely that being left to the engineers ought to satisfy the gentleman.

Mr. FOSTER. What is the use of this bill carrying large appropriations that are unnecessary and can not be used?

Mr. KOPP. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. KOPP. The Chesapeake & Albemarle Canal Co. now owns the part which it is wished to improve by this appropriation? Is it operated commercially by this company?

Mr. FOSTER. I suppose it is. The Government does not have any interest in it at all. The gentleman from Florida [Mr. SPARKMAN], the chairman of the committee, day before yesterday, I think, said that the engineers had entered into contracts for the improvement of this canal before we owned one penny of interest in it.

Mr. KOPP. But at the present time it is being operated by this toll company?

Mr. FOSTER. Controlled by the company.

Mr. KOPP. How much tonnage, if the gentleman is advised, went through this canal last year?

Mr. FOSTER. I think it is claimed that something like 600,000 or 700,000 tons. I think the income from tolls amounted to possibly \$31,000, or something like that. Possibly it was a little more.

Mr. KOPP. That is about as much as three or four trains would haul, is it not?

Mr. FOSTER. About the same.

Mr. HELM. Will the gentleman yield?

Mr. FOSTER. Yes, sir.

Mr. HELM. Is this a new proposition or the continuation of an old proposition?

Mr. FOSTER. It is a new proposition.

Mr. HELM. Is there any emergency for it?

Mr. FOSTER. None at all.

Mr. SMALL. I beg pardon—

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FOSTER] has again expired.

Mr. SMALL. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended for five minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the time of the gentleman from Illinois may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Chairman, reserving the right to object, I hope that the extension of the time of the gentleman from Illinois [Mr. FOSTER] will not prevent others discussing this item. I should not want the chairman of the committee and those interested to suggest at the close of the remarks of the gentleman from Illinois [Mr. FOSTER] that a good deal of time had been consumed, and hear an insistence on their part that they should close debate.

Mr. FOSTER. Let me state, Mr. Chairman, that I do not desire to occupy any time unnecessarily.

Mr. MONDELL. I am anxious that the gentleman should have additional time, but I should like to have a little time on the subject in connection with the discussion a little later.

Mr. SMALL. I ask that the gentleman yield to me in order that I may correct an erroneous statement. This was in the river and harbor act of 1912, and it is a continuation of the project.

Mr. FOSTER. The gentleman from Kentucky [Mr. HELM] asked if this was a work in progress. I answered it was not a work in progress, and that there has been no work done on this canal whatever. My statement in that connection was, and I think that the gentleman from North Carolina [Mr. SMALL] will bear me out as being correct, that that committee, as stated by me, authorized \$500,000 according to the appropriation act of 1912, but from that time to this we have been unable to get a title to this property, so that no work could be done on this project.

Mr. KOPP. Will the gentleman permit me to ask the gentleman from South Carolina [Mr. SMALL] a question? He says this is a continuing project. How much money has already been spent up to date on this project?

Mr. SMALL. Up to this time there has not been anything spent. A little later I will address the committee a moment and can satisfy the gentleman, I think.

Mr. KOPP. It is true that there has not been a cent spent?

Mr. SMALL. I think that is true.

Mr. FOSTER. I think this item can well afford to go out of the bill at this time. It is true that there are large appropriations pressing on Congress during this session, and I am willing the River and Harbor Committee should be given latitude in what is necessary to keep up this great work; but I do believe, when an item of this kind is placed in a bill, that it is proper and right that it should be stricken out and that we should at least save this \$800,000 until a future time when it is necessary to make it and when we can make this appropriation. I do not believe it is the proper time now to go ahead and appropriate an extra \$800,000 and tie it up for this project, when we will

then have \$1,400,000 tied up in it, and not a dollar can be spent until the title of this property is made satisfactory to the Government.

Mr. BYRNS of Tennessee. How much is the entire project to cost?

Mr. FOSTER. Something over \$4,000,000. I do not remember the exact amount, but it is something between \$4,000,000 and \$5,000,000.

Mr. FARR. Mr. Chairman, I ask unanimous consent to extend and revise my remarks on the conference report on the legislative bill.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. SMALL. Mr. Chairman, I will ask the attention of the committee for a short time with reference to the motion that has been made by the gentleman from Illinois [Mr. FOSTER] to strike out this paragraph. This paragraph contains an appropriation of \$800,000 additional toward the further improvement and construction of an inland waterway from Norfolk, Va., to Beaufort Inlet, N. C. I do not understand that the gentleman from Illinois [Mr. FOSTER] attempts to controvert the importance of this project, but for fear some gentlemen may be misled I would like to make a brief statement.

There is no more important project than this in the entire river and harbor bill, and I would be willing, if time were given me, to stand before an impartial tribunal anywhere and satisfy them upon that point. However, let me make just a few brief statements as to its importance. There have been three surveys upon this waterway—one authorized in 1902; another one in 1905, I believe; and another one in 1909. Every one of these reports by the engineers, by the Board of Engineers for Rivers and Harbors, known as the "board of review," and by the Chief of Engineers has been entirely and unreservedly favorable to this project. In the report of the engineers in 1904, which is contained in House Document No. 563, at the second session of the Fifty-eighth Congress, they make this statement in regard to the importance of the waterway: They say that the total commerce to be affected by the construction of this waterway will be about 1,100,000 tons annually, valued at \$55,000,000. That is on page 33 of the report. They state also that the annual saving in through freight on this commerce will be not less than \$600,000, and that the annual saving on local traffic originating in North Carolina will be not less than \$200,000.

To-day there are two private canals leading southwardly from Norfolk to Albemarle Sound. The engineer's reports show that there was carried through these two private canals last year, inadequate as they were, a commerce of 700,000 tons, all of which paid tolls amounting to \$103,000—an unjust tribute upon the traffic which originates in that section.

Mr. KOPP. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Wisconsin?

Mr. SMALL. Yes; I yield to the gentleman.

Mr. KOPP. I would like to ask the gentleman how deep are these canals?

Mr. SMALL. They are nominally about 9 feet deep, but actually they are not quite that. They are about 8½ feet deep.

Mr. KOPP. How deep is it proposed that they be made under Government ownership?

Mr. SMALL. They are to be improved to a depth of 12 feet.

Mr. KOPP. What is to become of the other canal that the Government is not purchasing?

Mr. SMALL. I will state to the gentleman that that has been an embarrassing subject before the committee and those who in the interest of the public desire a free waterway. The other canal will have no legal redress. It will depend upon the generosity of Congress.

Mr. MADDEN. Mr. Chairman, will the gentleman from North Carolina yield to me?

Mr. KOPP. Just one moment. Then in reality it is contemplated, is it not, by those in charge of this project, to ask Congress in all fairness to make a donation to this other company after the first project goes through?

Mr. SMALL. I will say that I have no such purpose, and I do not believe such a purpose exists on the part of any single member of the Committee on Rivers and Harbors.

Mr. KOPP. The gentleman does not think it will be fair to take one single line and give another line no compensation?

Mr. SMALL. Well, if the gentleman assumes the championship of the other canal, he is at liberty to do so.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMALL. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. SMALL. Now I shall be glad to yield to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. I wish to ask the gentleman from North Carolina whether the Committee on Rivers and Harbors has any information in its possession as to when it is probable that the Government of the United States will get the title to the canal?

Mr. SMALL. If the gentleman will pardon me, I will come to that in just a few minutes.

Now, Mr. Chairman, there is in this last report—the report of the survey that was authorized in 1909—a most illuminating statement as to the commercial importance of this waterway. I will not take the time to read it. It is in House Document 391, Sixty-second Congress, second session, and I call particular attention to page 131.

Mr. HELM. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Kentucky?

Mr. SMALL. I will yield to the gentleman, but I will ask him to be brief.

Mr. HELM. A moment ago the gentleman spoke of the estimated tonnage that will pass through this canal and the value thereof that now moves through a private canal, as I understand. What proportion of the tonnage moving through this private canal now in existence is to be diverted into the channel to be created under this appropriation?

Mr. SMALL. Of course it will all seek the free waterway, and there will be still more.

Mr. HELM. So that your estimates, both as to tonnage and the value and importance of this commerce, is based upon that portion of it that now goes through this private canal.

Mr. SMALL. As a basis simply.

Mr. HELM. That is a portion of it.

Mr. SMALL. That is a portion of it. It will be very greatly increased.

Now, Mr. Chairman, I shall not take up any longer time as to the commercial importance of this, but I wish to say something about the physical characteristics of this waterway. It is 200 miles long, from Norfolk to Beaufort. The engineers divide it into three sections, the first section from Norfolk to Albemarle Sound, a distance of 68 miles. Between Norfolk and Albemarle Sound are these two private canals, one of which, the Chesapeake & Albemarle Canal, has been recommended by the engineers as a part of the route, and which they estimate to be worth \$500,000 to the United States. That is only a portion of the waterway.

The second division is from Albemarle Sound to Rose Bay, on Pamlico Sound, a distance of 80 miles, and the third division, from Rose Bay to Beaufort Inlet, is a distance of 51 miles.

So gentlemen of the committee will see that when we are discussing the purchase of this Chesapeake & Albemarle Canal we are discussing a small portion of the total length of this waterway. It simply happens that that is a part of one division. So that this \$800,000 may be expended wisely and properly upon other divisions of the waterway even if there should be any delay in the purchase of this private canal. The total cost of the waterway in divisions is estimated as follows:

The first division, from Norfolk to Albemarle Sound, \$2,733,300, in which is included the cost of this Chesapeake & Albemarle Canal at \$500,000.

Albemarle Sound to Pamlico Sound, a distance of 80.5 miles, \$2,216,780.

Brant Shoal cut, a short cut across Pamlico Sound, \$54,000.

Pamlico Sound to Beaufort Inlet, via Adams Creek Canal, a distance of 51.6 miles, estimated cost \$397,500.

The Adams Creek Canal at the southern end has already been constructed by previous appropriations of Congress at a projected depth of 10 feet, so that it is now only necessary to deepen that to 12 feet in order to correspond with the remainder of the waterway.

The total cost is \$5,401,580, as estimated by the engineers.

In the last river and harbor act, approved July 25 last, there was an appropriation of \$500,000 for the purchase of this Chesapeake & Albemarle Canal in accordance with a contract which had theretofore been entered into between the Secretary of War and the owners of that canal for its purchase, which contract set forth the width of the right of way and the other particulars necessary in order to make it a satisfactory contract.

It is a fact that the purchase of that canal has not yet been consummated, much to my disappointment and very greatly to the disappointment of the commercial interests that desire this

to be made a free waterway in order to relieve them from the burden and the tribute which is laid upon their traffic.

The facts are that when this matter was taken up by the War Department they placed the purchase primarily in the hands of Col. E. E. Winslow, the district engineer at Norfolk, Va. He first required the canal company to make a survey of the right of way and then to place concrete monuments along the right of way indicating the boundaries. This Chesapeake & Albemarle Canal is in two cuts—one known as the Virginia cut, in the State of Virginia, the other known as the North Carolina cut, in the State of North Carolina, the two having an aggregate land cut of 14.1 miles. After the canal company made the survey and placed the concrete monuments, which, as you can imagine, required some time, the engineer sent out field parties to resurvey and check up the other survey and to prepare proper descriptions.

Only within the past few weeks has the engineer office resurveyed it, checked up and adjusted some apparent discrepancies. I have letters here from Col. Winslow, one dated January 15, saying that the discrepancies in the description of the North Carolina cut have been adjusted and that he and the canal company have agreed upon a description, and one dated January 20, stating that the same result has been reached as to the Virginia cut.

The matter of investigating the title was undertaken by the Department of Justice, that for the North Carolina cut was placed in the hands of the United States district attorney for the eastern district of North Carolina, and the Virginia cut in the hands of the United States attorney for the eastern district of Virginia. As to the North Carolina cut the district attorney has reported favorably on the title, and the only thing remaining to do is to carry out some instructions and obtain affidavits which the Department of Justice requires as to long-continued adverse possession by the canal company. The district attorney for Virginia, Mr. D. Lawrence Groner, in a letter dated Norfolk, January 3, says:

In reply to your recent letter in regard to the present status of the examination of the title to the property of the Chesapeake & Albemarle Canal, which it is proposed to convey to the Government, I beg to advise you that while I have not yet completed the examination and will not be able to do so until the present survey which is now in process is completed and a complete description of the property to be surveyed is given me, I have gone far enough to satisfy myself that there will be no legal obstacles to the conveyance of the property to the Government.

He says later on that he expects to make a final report before the expiration of January.

Now, Mr. Chairman, on yesterday I called at the Department of Justice and asked them if they would not furnish a statement as to the present status of the investigation of the title and as to when it would be completed. I will not take the time to read the entire letter of more than two pages, as it is simply a recital of the things that have been done, but the last paragraph states:

In view of the matters and things hereinbefore referred to, if the report of the investigation which the United States attorney for the eastern district of Virginia has been directed to make shall be received before the expiration of January and the same shall disclose no legal obstacles to the conveyance of the company's property to the Government, the department sees no reason why the transfer may not be consummated by February 15 next.

Now, I have just read a letter from the district attorney, Mr. Groner, for the eastern district of Virginia, saying that he would have the report in by the expiration of January, and that there would be no obstacle.

Mr. FOSTER. Will the gentleman yield?

Mr. SMALL. I have only a few moments.

Mr. FOSTER. According to that letter, does the gentleman think that it means that they are going to get a title very soon? He seems to make lots of reservations.

Mr. SMALL. I know that the gentleman will accept what I say in good faith.

Mr. FOSTER. Certainly.

Mr. SMALL. I have kept close observation of the preliminary steps preparatory to securing this title. I have not the slightest doubt, in view of the present status, that by the 15th of February the deed will be executed. I state that in the utmost good faith.

Mr. FOSTER. That is the gentleman's opinion; he could not gather it from that letter.

Mr. SMALL. I gather it from the letter and the information that is in my possession.

Mr. FOSTER. I would not take the letter to mean that.

Mr. SMALL. I know the gentleman has confidence in my good faith.

Mr. FOSTER. I certainly have.

Mr. SMALL. May I present another view showing the necessity for this appropriation in this bill? The appropriations

contained in this bill are intended to suffice until the 30th of June, 1914. If this appropriation is not made, and the title is acquired by February 15 or by April 1, the engineers will be able to do nothing toward the further construction of this waterway until after the next river and harbor act shall be passed in the summer of 1914.

Now, just one statement further. This waterway, gentlemen of the committee, is the only outlet for water-borne interstate trade for eastern North Carolina. We have 1,600 miles of navigable rivers there, and we have 2,500 square miles of sound. We are pent up. Give us a free outlet; we are deserving of it. I ask the committee to decline the motion and refuse to strike out the appropriation.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I will not occupy but a minute. I want to reply to the question of the gentleman from Wisconsin [Mr. Kopp]. He asked the gentleman from Illinois what the commerce borne by this canal would be and he was told about 600,000 tons. He remarked that that meant two or three train loads. I suggest that the gentleman has gotten his figures wrong. To haul 600,000 tons annually would require two trains a day through every day in the year, each train consisting of 30 cars and each car carrying 30 tons, a commerce which I submit is not inconsiderable in amount.

Mr. FOSTER. That may be the size of the trains in Mississippi, but I do not think it is the size of trains in Illinois or Wisconsin.

Mr. HUMPHREYS of Mississippi. Yes; 30 freight cars of 60,000 pounds each—a pretty good average train.

Mr. FOSTER. Oh, no; we pull 50 and 60 cars in Illinois.

Mr. HUMPHREYS of Mississippi. Very well; say 60 cars, and, with all due respect to the gentleman from Illinois, I do not believe that freight trains in Illinois or anywhere else average 60 loaded box cars of 60,000 pounds to the car. However, 60 cars to the train would be one train a day throughout the year.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. McKENZIE. Mr. Chairman, the gentleman is undoubtedly familiar with this. I want to ask what were the articles of commerce that made the building of these two canals profitable at the time they were constructed? For what purpose were these canals constructed?

Mr. HUMPHREYS of Mississippi. These canals were constructed to bear a commerce which is very general, all sorts of merchandise. I think the gentleman from North Carolina [Mr. SMALL] could give the gentleman the details of that.

Mr. SMALL. Mr. Chairman, the Chesapeake & Albemarle Canal was begun in 1856 and completed a few years later. It has been in continuous operation since that time. At the time the canal was constructed the larger amount of traffic through it was lumber and naval stores and agricultural products northward and merchandise southward. Naval stores are not now produced in eastern North Carolina. Much lumber is still manufactured in North Carolina, and with the improvements, so that the canal will accommodate a different type of steamers, large quantities of merchandise from the North will be carried. Coal has always been carried through it.

Mr. McKENZIE. Were they not originally constructed for the purpose of handling the timber in those sections?

Mr. SMALL. Very largely.

Mr. McKENZIE. Has the timber been cut off since these canals were constructed?

Mr. SMALL. Of course very much timber has been removed, but there are still large quantities of standing timber in eastern North Carolina, and it is a large industry.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. McKENZIE. Mr. Chairman, I ask unanimous consent to ask one or two more questions of the gentleman from North Carolina. I desire to proceed for two minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. McKENZIE. Are there any coal fields adjacent to these canals?

Mr. SMALL. No; there is no coal in eastern North Carolina, but at Norfolk there are two large coal terminals. The terminals I particularly refer to are those of the Norfolk & Western Railway and of the Virginian Railway, and also of the Chesapeake & Ohio at Newport News. Coal is sent by water southward from Norfolk through those canals to a certain extent now, and with the improvement it is anticipated there will be a very large amount of coal sent to southern ports south of the southern terminus of this waterway at Beaufort

Inlet. I will say that this waterway avoids the two most dangerous points on the Atlantic coast—Cape Hatteras and Cape Lookout.

Mr. McKENZIE. Are not those points—Norfolk and Beaufort Inlet—deep-water harbors?

Mr. SMALL. Norfolk is a deep-water harbor. Beaufort Inlet is not so deep, but still it has about 20 feet.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman permit me to read one brief paragraph that answers the gentleman's inquiry?

Mr. SMALL. The gentleman will have to get the consent of the gentleman from Illinois.

Mr. McKENZIE. As soon as I ask one other question. Could not the commerce from Norfolk and the other terminus of this proposed canal be carried now on the deep water of the Atlantic Ocean?

Mr. SMALL. Mr. Chairman, I am glad the gentleman asked that question. I can answer it briefly.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SMALL. Mr. Chairman, I ask unanimous consent to proceed for one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SMALL. Mr. Chairman, answering the question of the gentleman, on the North Carolina coast is Cape Hatteras, with Diamond Shoals, jutting out into the ocean 20 miles, the most dangerous point in the world. South of that is Cape Lookout. The reports of the engineers show in detail the number of lives lost and the millions of dollars sacrificed by wrecks at these points. The cheapest form of movement by water is by barge. Coastwise navigation by barges around Cape Hatteras is prohibited. The casualties are too numerous, and maximum insurance rates are prohibitory.

The only form of coastwise navigation between southern and northern ports is in very large and expensive steamers, and it so happens there is a community of interest or ownership, so that practically all the steamships between north Atlantic and south Atlantic ports are controlled by the railroads and do not offer real competitive rates.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to speak—

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I think the Chair recognized me awhile ago, and I sat down in order to allow the gentleman from Illinois to submit a question to the gentleman from North Carolina.

The CHAIRMAN. The gentleman from Wyoming yielded to two other gentlemen since then.

Mr. MONDELL. The gentleman requested unanimous consent to ask some questions, and I did not desire to object to them. Of course, if I lose my right to speak by reason of not objecting to unanimous consent, I am content.

The CHAIRMAN. The Chair will recognize the gentleman from Wyoming next.

Mr. MOORE of Pennsylvania. Mr. Chairman, answering the question put by the gentleman from Illinois [Mr. McKENZIE] to the gentleman from North Carolina [Mr. SMALL], I wish to read one of many letters that were sent to the United States engineers while this project was under discussion. Mr. J. B. Blades, president of the J. B. Blades Lumber Co., of Newbern, N. C., which is an inland port at the lower end of the projected canal, among other things, says:

We are shipping from the various mills here that we are interested in from fifteen to twenty million feet of lumber per year. Nine-tenths of this goes through the Delaware & Chesapeake Canal. The rate on this lumber to Philadelphia from our mills is \$2.75 per thousand, and by rail it is about \$5.25, so you see that with the present water facilities the saving to us is very great. Now, if the waterways were made sea-level canals, free of tolls—

That is what we ask in this instance—

we would not only save the amount of the toll, which is about \$45,000, but we would be able to ship in larger barges, and by this means save at least 50 cents per thousand, or \$75,000. This does not take into account the mills that we are interested in at Elizabeth City, with an output of about 12,000,000 feet of lumber per year, which is all shipped almost wholly by rail, but with the improved and free waterways would move largely by water, and the amount of business done by us is only a small part of the whole amount.

Here is what I want the committee to hear:

We can not afford to use the part of the canal that is now completed to Beaufort, because this puts us in the ocean south of Cape Hatteras, a very dangerous coast.

And you gentlemen from the West and South do not seem to understand the perils of Cape Hatteras.

Mr. MADDEN. Who states that, you or the man who is writing the letter?

Mr. MOORE of Pennsylvania. I do. The writer goes on:

Besides our lumber carriers are made for inland waters and would not stand the waves of the ocean. This makes a wonderful saving in transportation, because the barges being built for barge traffic—

Do you understand we are building barges constantly for these inside waterways and what they are worth to shippers and the shipping interests of the community?—

do not need to be built too expensively to stand the work, and it is safe to use them almost twice as long as if they were trading in the ocean.

Now, the storms along the Atlantic coast during the last three months have been such as to attract the attention of the country. There has been wreckage all along the coast and loss of life. Do you gentlemen understand what that means to the shippers of the East? Do you understand that it is your property that is also involved; that the cargoes that come in along this eastern coast are intended for the West, the South, and the Northwest? Do you know we have built up a great barge industry along the east coast, and that with the standardization of these waterways the East can meet the problems of transportation as you are trying to do it in the Middle West?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I am glad the gentleman from Pennsylvania [Mr. MOORE] spoke before I did, because he has so illuminated the question. I want to congratulate the gentleman from Illinois [Mr. FOSTER] for having called up this important matter. I can not share the optimism that he seems to feel that he will in any way, no matter how eloquent he may be or what array of facts he may garner, modify this bill. This bill is undoubtedly built to stand. It has a foundation sufficiently and widely planted in congressional districts that nothing so entirely unimportant as facts will in any way affect the character of the bill when it shall finally be passed upon by the House.

The gentleman from North Carolina [Mr. SMALL] has a monument in this item—a monument to his energy and his influence with the committee. Here is a canal owned by private parties doing business at a low rate of toll. It is proposed to buy it. We have appropriated half a million for that purpose. In addition to that we have appropriated \$100,000 to use for the building of a dredge for the purpose of dredging out the canal after we shall have acquired it. We have neither acquired the canal nor built the dredge. And from all that we have been told and from what we have learned to-day there is no probability of our immediately acquiring the title to the canal, and we have heard nothing of any prospective early construction of the dredge.

Mr. SMALL. Is the gentleman aware that the engineers, in their report of investigation, state that the rates of toll are very high on this canal—abnormally high—and that in its present condition it is unfitted to meet the demands of commerce upon it?

Mr. MONDELL. Well, there are railways in the country in which I live upon which it is said that the rates are rather high. There are some of them that do not have roadbeds up to highest standard, and we should be very much pleased out there if the Congress would be so kind and considerate and generous as to purchase those lines of railway, reconstruct them, double-track them, and put upon them the latest equipment, and carry our freight over them entirely without charge. That is the illuminating argument made by the gentleman from Pennsylvania [Mr. MOORE] on the subject now before us. People are cutting timber down there in great quantities. They are transporting it through these canals in competition with others and selling their timber, and no doubt making considerable profit. But if we shall buy this canal, enlarge it at an expenditure of several million dollars of the people's money, and open it to the use of these patriotic citizens free of all charge, one firm will make \$75,000 per annum. And the gentleman from Pennsylvania [Mr. MOORE] has lived down on the Delaware so long that he actually considers that an absolutely convincing argument. If by the spending of Government money you can save money to an individual or make his business more profitable, forsooth, that settles it. The argument is ended, and the appropriation must be made.

Now, let us assume as a matter of argument that it may be wise and proper to take the money of all the people for the purpose of purchasing a privately owned canal along the Atlantic coast and enlarging it with taxes raised in Ohio, Wyoming, Illinois, California, and elsewhere, and arranging it entirely satisfactory to the people who use it, not for the commerce of the people of the United States, but wholly and entirely for local trade—

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. I just want to ask the gentleman if he holds to that doctrine in regard to the waterway projects throughout the country?

Mr. MONDELL. I do not quite understand the gentleman.

Mr. MOORE of Pennsylvania. The gentleman says we are spending the public money for the purpose of improving one waterway along the east coast. Will he hold to that same doctrine with regard to the 25,000 miles of waterways that are being improved now at Federal expense? Will he hold it in regard to reclamation projects, irrigation projects, and the land project that we passed through the House yesterday? Will he hold generally to that doctrine—that there is a disposition of the public money for some one's benefit?

Mr. MONDELL. I am glad the gentleman suggested something we did yesterday. Here is a proposition to take eight-tenths of a million of dollars of the people's money, raised by taxation, and to spend it for improving something we do not own, which improvement, if it were made, would be for the benefit of the local community, and the gentleman is surprised and astounded beyond measure. Yesterday we had before the House a proposition not to take any public money, a proposition that did not have anything to do with a penny of money that belonged to the people of the United States, but proposed simply as to whether we should take some funds which people pay for raw lots out in a wind-blown town on the Plains, and allow the use of a part of the high price for these lots, having no value in themselves, to be used for the improvement of the town.

The House agonized all day long, all day long, and you would have imagined that there was danger of our tearing the foundations from under this Capitol, tipping over the Washington Monument, and undermining the Constitution, because, forsooth, it was suggested that the people might have their own money, contributed by themselves, for which they receive no value, in the hands of the Government, and the only value of which consisted in the value which they themselves made; because it was suggested that they might have a part of that for making the community fit to live in; and we spent the entire day, and we have a prospect of spending another day, in discussing that highly important question.

Yet we have here eight-tenths of a million dollars of the people's money proposed to be expended for the purpose—putting it in its best light—of providing purely local transportation where there is already local transportation, and I presume at a reasonably fair rate for water-borne commerce. The rate by this canal, as the letter read by the gentleman from Pennsylvania [Mr. MOORE] said, is half the railway rate; and whenever they cut the railway rate in two they are making, I presume, a fairly reasonable rate.

Mr. MOORE of Pennsylvania. When will we get that rate?

Mr. HELM. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Kentucky?

Mr. MONDELL. I can not yield, Mr. Chairman. I am sorry I can not. The gentleman from Pennsylvania would remove all charges; he would give these people absolutely free waterways for their local commerce, and that is only a part of it. It is proposed to appropriate \$800,000 for doing that in advance of the possibility of its undertaking, because we do not own the canal and we do not know that we ever shall own the canal.

The CHAIRMAN. The time of the gentleman has again expired. [Cries of "Vote!" "Vote!"]

Mr. SPARKMAN. Mr. Chairman, I hope that this amendment will not prevail. In my judgment, the reasons given for striking out the paragraph are not sound. It has been shown here that, so far as can be ascertained now, and I may say so far as it could be ascertained by the Committee on Rivers and Harbors when this bill was being prepared, the title to this canal will be acquired within a very few weeks. In fact, the testimony before our committee was to the effect that it would not be later, at the furthest, than some time in April. That was the maximum limit fixed by the same department officials who were also of the opinion that it would be a much shorter period of time. Now comes the gentleman from North Carolina [Mr. SMALL], and reads from letters received from the Department of Justice—the department having in charge that particular work—stating that it will have the title ready in the next two or three weeks, or by the 15th of next month.

Mr. FOSTER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Florida yield to the gentleman from Illinois?

Mr. SPARKMAN. Certainly.

Mr. FOSTER. The gentleman does not mean to say that the department in this letter says it is going to have that title in 15 days?

Mr. SPARKMAN. Oh, no. The statement contained in that letter was that the title would, in the opinion of the writer, be settled in the department by the middle of next month, which is a little more, of course, than 15 days.

Mr. FOSTER. Does the gentleman remember hearing that passage read where they talk about a contingency, if certain things are all right, and say in that contingency they will have it? They do not say they are going to have it.

Mr. SMALL. Mr. Chairman, will the gentleman from Illinois pardon me and let me state what the fact is?

Mr. FOSTER. I will ask the gentleman to read the letter.

Mr. SMALL. Unfortunately the reporter has it. He borrowed the letter from me a few moments ago.

Mr. SPARKMAN. Mr. Chairman, that is unnecessary, for, aside from what the Department of Justice says in regard to the date, the engineers did say when they were before us, and the Department of Justice corroborated the statement, that it would not take longer than a date early in April to acquire this title. Then the engineers told us that, that being true, they will not only need the \$600,000 that we appropriated in the last bill, but they will also need the \$800,000 which this bill undertakes to provide.

Now, I want to say that our committee is controlled, and must be controlled very largely, by the opinion of the engineers on many subjects, and that is one of the subjects upon which we follow somewhat closely their advice. I do not say we follow them blindly in anything; but inasmuch as we must take the opinion of somebody in the matter of the amount of money needed within a given time for a piece of work, we usually take that of the engineers, who not only have knowledge on the subject but have the spending of the money. When we began the preparation of this bill we found several just such items as that, some on the Atlantic, some on the Gulf, some on the Pacific coast, projects adopted upon certain conditions, which conditions had not been complied with; and the committee at once said: "We can not appropriate unless those requirements have been met or will be within a reasonable time."

We had the engineers before us, who told us: "In this particular case we will have the conditions complied with in a certain length of time; in this other case they will be complied with within a certain other length of time," and so on. In all those cases where they said they would have the conditions complied with within a reasonable time we allowed the appropriation, just as we propose to do in this case.

And in no case was an appropriation made where it appeared that the conditions attached would not be complied with in time to make such appropriation available so that the same might be expended by the 30th of June, 1914.

I ask for a vote, Mr. Chairman.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out all of the paragraph on page 14, beginning with line 9 and ending with line 20.

The question being taken, the motion to strike out was rejected.

The Clerk read as follows:

Improving harbor at Beaufort, N. C.: For maintenance, \$5,000.

Mr. FOSTER. Mr. Chairman, I move to strike out this paragraph, and I want simply to say that this bill is probably watertight and that nothing in it can be touched—that every item in it is holy. It is a bill of \$40,000,000, and we are expected to vote upon every item in it and give our approval to it. Yet those items are so sacred that we must not question any of them. In view of that fact, I do not desire to take up the time of the committee at this time, and, as far as I am concerned, I desire to withdraw my amendment. [Applause.]

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to withdraw his amendment. Is there objection? There was no objection.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. In my desire to be informed with regard to this legislation, as I endeavor to be informed with regard to all legislation that comes before the House, I sought the hearings as a source of information, but I sought, alas, in vain. I assumed that there were hearings. I assumed that some things were said and some arguments made in defense of the items of this bill. I assume there are some things that might be said in defense of some of the items. However that may be, the fact is that no line and no word of what occurred has been allowed to reach the printed page, and he who desires in-

formation with regard to this measure must go burrowing about and making inquiries in regard to it from the members of the committee; and the members of the committee all being honorable gentlemen, bound by that freemasonry which doth so bind gentlemen who report bills like this, it has been very difficult for me to secure any information whatever in regard to the bill.

Mr. SPARKMAN. Will the gentleman yield for a short statement in connection with what he is saying?

Mr. MONDELL. I prefer to conclude my remarks.

Mr. SPARKMAN. I am sure the gentleman will pardon me when I say that the reports of the engineers are full and complete upon every item in this bill.

Mr. MONDELL. I am aware of that, and I shall call attention to some of them later.

Mr. Chairman, not being able to find any record of the hearings, I turned to the voluminous report of the committee, full as it is of illuminating information, all contained on two printed pages. Appropriations amounting to \$40,000,000 are fully explained in less than 4,000 words.

A MEMBER. Five hundred words.

Mr. MONDELL. Rather more than 500 words, but no part of the report having relation to any particular item in the bill. Yet without any information, without any source of information, except as we go to the reports of the engineers, we are asked to pass this bill. In going to the reports of the engineers it is difficult to find particular items, and it is especially embarrassing when that interesting documents reports against an item in the bill.

Mr. HOBSON. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. HOBSON. Has the gentleman estimated the number of words in the report of the engineers and how long it would take the average Member of Congress to read it through if he undertook to?

Mr. MONDELL. I have not; but I am aware of the fact that some of the words in the report of the engineers would be very weighty with the ordinary Member. They do not seem to have had any influence whatever on the members of the committee, for while the report of the engineers may be decidedly adverse to the project and set forth many reasons why it should not be undertaken, the committee proceeds to appropriate just the same.

Mr. YOUNG of Michigan. Mr. Chairman, will the gentleman permit an interruption?

Mr. MONDELL. Yes.

Mr. YOUNG of Michigan. The gentleman is entirely mistaken. There is not a single project in this bill, nor has there been a single project in any river and harbor bill for many years, that has not had the approval of the Chief Engineer of the Army and the board of review.

Mr. MONDELL. I will be glad to present a case on a page or two to the contrary.

Mr. YOUNG of Michigan. The gentleman may find something that was put on in the Senate, but he can not find anything that was reported by the Committee on Rivers and Harbors to the House.

Mr. EDWARDS. Mr. Chairman, I would like to have the gentleman point out any paragraph in the bill that has not the approval of the Board of Engineers.

Mr. MONDELL. I will do so.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. RANSEDELL of Louisiana. Mr. Chairman, the gentleman from Wyoming says that we have had no hearings and that there is not anything on which to base our bill, nothing from which Members of the House can get information. The gentleman will surely find more than 5,000 words in the book that I hold in my hand, volume 1 of the Report of the Chief of Engineers, and there are three volumes of this report. These reports describe in detail every matter that was acted upon by us. I hold in my hand the report upon one of the items in this bill, the Tennessee River. I ask the gentleman from Wyoming to look at this report of 192 pages on the Tennessee River. I ask him to look at the reports on every project on which we acted, and if he will examine them as we have examined them he will have to work pretty hard for several months. [Applause.]

There are thousands of pages of these reports, which the members of the Rivers and Harbors Committee have been forced to wade through before taking action on this bill, and in every one of the items we have had the assistance of the Engineer Corps. Why, there is no species of legislation more carefully guarded than this. What is the process? Let me state it very briefly. No project can be taken up until first a survey has

been ordered by act of Congress. The survey is then made by a local United States engineer officer—generally a captain or an officer of higher rank—who reports it to the Board of Engineers for Rivers and Harbors. This board examines the report with great care, and in many instances makes an independent examination of its own in addition to the local examination and report. It sometimes sends a special board of three or four engineers to the locality to look over and report upon the project. Then it gives hearings to all citizens who are interested. Having examined the question in the closest way, the board makes a report upon it, which goes to the Chief of Engineers of the Army. He examines the whole matter again, and if not satisfied with it he does as he did within the past six months in a Louisiana project, sends it back in order that he may get additional information, which it took the local engineer six months to secure and bring before the chief, who then sends his report to Congress. All these reports on each project—that of the local engineer, the Board of Engineers, and the chief—are then published as a public document, which frequently contains several hundred pages, with elaborate maps and the most detailed information on every point. And yet the gentleman from Wyoming would have the House believe that this committee has brought in a \$40,000,000 bill without knowing what it is doing. Mr. Chairman, I think I have shown that he did not know what he was talking about when he made that statement. [Applause.]

Mr. MADDEN. Mr. Chairman, I think there is no money better spent than that spent for the improvement of the rivers and harbors of this country. [Applause.] The purpose of the expenditure is to facilitate the movement of the produce of the country so as to give the people the best possible prices. There is no committee of the House more painstaking in its work than the Committee on Rivers and Harbors. This committee is untiring in its efforts to produce the best possible results. They have the cooperation of the Engineer Corps and all of the technical information that can be furnished by those men trained for the work. I happen to know that no project is taken on by this committee except such projects as receive the approval of the Board of Engineers. The greatest care is taken to ascertain the value of the commerce on every project proposed to be entered upon. Whether freight is carried on the waterway or not, the fact remains that the mere development of the waterway insures a lower freight rate. These men serving on this great committee work night and day. They are doing a patriotic work. There is absolutely no logrolling in this committee, and no man on the committee has influence to get that which he ought not to have in the bill. I am surprised that the gentleman from the mountain regions of Wyoming [Mr. MONDELL] should undertake to criticize the work of this great committee, and to say that they act without information or judgment in what they report to this House. This bill does contain recommendations for the appropriation of \$40,000,000, and it could well contain recommendations for the appropriation of double that amount without overstepping the lines of propriety. They have been conservative in their recommendations, and perhaps because of their conservatism they have rejected projects which in a large measure would be justified. But that they have recommended any project without merit I do not believe, and for one Member of this House I am willing to follow the judgment of the men who have served and are serving on this great Committee on Rivers and Harbors.

Mr. MOORE of Pennsylvania. Mr. Chairman, in some respects I agree with the two gentlemen who have just spoken, the gentleman from Louisiana [Mr. RANSDELL] and the gentleman from Illinois [Mr. MADDEN]. But I think the gentleman from Wyoming [Mr. MONDELL] is extremely reprehensible in some of his references. [Laughter.] I have been looking through the reports of the engineers and I have found abundant testimony of the activities of this committee. I make no reflection on any member of this committee. They have all been active in the interest of their constituencies. Most of them deserve medals at the hands of their constituents. I will not say that one of these rivers to which I refer is not very far distant from the territory of the gentleman from Wyoming [Mr. MONDELL], but, without mentioning any names, I commend to his consideration one river 500 miles long, for which, since 1874, we have been endeavoring to get a depth of 4 feet—and this to some extent represents the very great urgency of this \$40,000,000 bill, which does not take into consideration commerce along certain sections of the country where business is teeming and waiting an opportunity for development. Now, this particular project under which work has continued from 1874 contemplated "the removal of snags, and logs, and wrecks, and leaning timber obstructing navigation"—all to obtain a depth of 4 feet, on which \$614,000 was spent in one of the initial stages. As we

follow the report a little bit we find, in view of the fact that certain locks and dams were authorized, apparently for the purpose of creating water in the river, there has been expended altogether on this stream to date \$2,040,000. Following up the inquiry and the reading of these reports, which is intensely interesting, the gentleman will find that the commerce upon this river and its tributaries—a river 500 miles long in which we are endeavoring for the benefit of commerce and navigation to get a mean low depth of 4 feet—

Mr. EDWARDS. Mr. Chairman, will the gentleman state what river that is?

Mr. MOORE of Pennsylvania. I will not mention it, because there are several of the same kind and I do not want to reflect upon the gentleman from Wyoming.

Mr. EDWARDS. Will the gentleman tell me from what page of the report he is reading?

Mr. MOORE of Pennsylvania. I will if the gentleman insists upon it. But let me finish this interesting tale of the manner in which we develop some rivers and do not develop others. The commerce on this stream and all its tributaries consists principally of the shipment of cotton, cotton seed, lumber, staves, saw logs, and miscellaneous articles, and during the last 22 years—more than two decades—the entire business has amounted to 57,000 tons. Why, Mr. Chairman, little Raecoon Creek, about which the gentleman from Kentucky [Mr. HELM] inquired day before yesterday, does more business in one year than this 500-mile 4-foot stream does in 22 years. Yet the gentleman from Wyoming [Mr. MONDELL] has the effrontery to come into this House and say we are asking too much when we seek an appropriation of \$800,000 for a canal and waterway adjacent to territory which contributes 50,000,000 tons of commerce annually to the Nation.

The CHAIRMAN. The pro forma amendment, without objection, will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Improving Beaufort Inlet, N. C.: For maintenance, \$10,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I was in hopes that the gentlemen in charge of the bill, some of them, would answer some of the arguments I made. On the contrary, they set up a straw man and then they proceeded to belabor it. I did not say, I never have said, that the committee did not have data which they considered a sufficient basis for their appropriations, and yet the gentlemen one after another have risen here and assailed me because they said I said something I did not say. What I did say was they did not even give a gaping and expectant world, much less the Congress, any information whatever as to the arguments made by or before them on which arguments they based the items in the bill. They may have had any amount of information; they have given absolutely none; and then the gentleman from Pennsylvania [Mr. MOORE] proposes to put me entirely out of business by suggesting because unwise appropriations have been made on the upper Missouri River, never at my request—

Mr. MOORE of Pennsylvania. I did not mention the upper Missouri.

Mr. MONDELL (continuing). That therefore equally unwise appropriations ought to be made on Raecoon Creek. If gentlemen would like to know, I never have believed, and I do not believe now, that the money of the people ought to be spent on the upper Missouri River. I think it is a clear waste of public funds. It does not have the poor, miserable excuse that the improvement of some of the way-back creeks have, that if you improve them the farmers in the localities may be able to transport their potatoes a little more cheaply to some region, or along the line of the argument of the gentleman from Pennsylvania that some rich lumber company may be able to have their profits increased at the expense of the Government. I did not have the time to mention, in referring to the purchase of this canal, that if the timber which was along the line of the canal when it was built, and the transportation of which, or the expected transportation of which, led to the building of the canal, was still there the Government would not be asked to buy it, and probably could not purchase it, but these people having spent a large amount of money for the building of the canal and transporting the lumber and having cleared the country of the lumber, and there being no longer any considerable amount of tonnage, now seek to unload upon the unsuspecting Congress and the river and harbor bill this, to them, comparatively worthless property. It is a very beautiful scheme, and it is defended vehemently by the gentleman from Pennsylvania by the suggestion that we may reduce the rates of transportation by so doing, and he expects that that will also be final and convincing—

The CHAIRMAN. The time of the gentleman has expired.
Mr. MOORE of Pennsylvania. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. SPARKMAN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Moon of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

COMMITTEE TO ATTEND FUNERAL EXERCISES OF MR. WEDEMAYER, OF MICHIGAN.

The SPEAKER laid before the House the names of the committee to attend the funeral exercises on Mr. WEDEMAYER, of Michigan.

The Clerk read as follows:

Mr. DOREMUS, Mr. J. M. C. SMITH, Mr. HAMILTON of Michigan, Mr. SWEET, Mr. SAMUEL W. SMITH, Mr. MC MORRAN, Mr. FORDNEY, Mr. McLAUGHLIN, Mr. LOUD, Mr. DODDS, Mr. KENDALL, Mr. WILLIS, Mr. FOSTER, Mr. HAMMOND, and Mr. SHARP.

EXTENSION OF REMARKS.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in relation to the consolidation of the Sacramento revenue district.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none.

GRANT OF CERTAIN PERMITS, MARCH 4, 1913.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 380.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to consider the resolution named. Of course everybody understands the rule is against it, but it is a matter of public business, and the Chair is disposed to recognize him, unless somebody objects to unanimous consent. The Clerk will report the resolution.

The Clerk read as follows:

House joint resolution (H. J. Res. 380) authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President elect on March 4, 1913, etc.

Resolved, etc., That the Secretary of the Interior is hereby authorized and directed to grant a permit to the committee on inaugural ceremonies for the use of the Pension Building in the city of Washington, except such rooms therein as are used and occupied for the payment of pensions, on the occasion of the inauguration of the President elect on the 4th day of March, 1913, subject to such restrictions and regulations and limitations as to space as the said Secretary may prescribe in respect of the period and manner of such use, including all necessary safeguards against fire and for the extinguishing of fire.

SEC. 2. That the Secretary of War is hereby authorized to grant permits, under such restrictions as he may deem necessary, to the committee on inaugural ceremonies for the use of any reservations or other public spaces in the city of Washington on the occasion of the inauguration of the President elect on the 4th day of March, 1913, which, in his opinion, will inflict no serious or permanent injuries upon such reservations or public spaces or statutory thereon; and the Commissioners of the District of Columbia may designate for such and other purposes on the occasion aforesaid such streets, avenues, and sidewalks in said city of Washington as they may deem proper and necessary: *Provided, however,* That all stands or platforms that may be erected on the public spaces aforesaid shall be under the supervision of the said inaugural committee and in accordance with the plans and designs to be approved by the Engineer Commissioner of the District of Columbia, the officer in charge of public buildings and grounds, and the Superintendent of the United States Capitol Building and Grounds: *And provided further,* That the reservations or public spaces occupied by the stands or other structures shall be restored to their original condition before such occupation, and that the inaugural committee shall indemnify the War Department for any damage to structures of any kind whatsoever upon such reservations or spaces.

SEC. 3. That the Commissioners of the District of Columbia are hereby authorized to permit the committee on illumination of the inaugural committee for the inaugural ceremonies, March, 1913, to stretch suitable overhead conductors, with sufficient supports wherever necessary, and in the nearest practicable connection with the present supply of light, for the purpose of effecting the said illumination: *Provided,* That if it shall be necessary to erect wires for illuminating purposes over any park or reservation in the District of Columbia, the work of erection and removal of said wires shall be under the supervision of the official in charge of said park or reservation: *Provided further,* That the said conductors shall not be used for the conveying of electrical currents after March 8, 1913, and shall, with their supports, be fully and entirely removed from the streets and avenues of the said city of Washington on or before March 15, 1913: *And provided further,* That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced; that all needful precautions are taken for the protection of the public; and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *And provided further,* That no expense or damage on account of or due to the stretching, operation, or removing of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia.

SEC. 4. That \$23,000, or so much thereof as may be necessary, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia in equal parts, is hereby

appropriated to enable the Commissioners of the District of Columbia to maintain public order and protect life and property in said District from the 28th of February to the 10th of March, 1913, both inclusive. Said commissioners are hereby authorized and directed to make all reasonable regulations necessary to secure such preservation of public order and protection of life and property and fixing fares by public conveyance, and to make special regulations respecting the standing, movements, and operating of vehicles of whatever character or kind during said period. Such regulations shall be in force one week prior to said inauguration, during said inauguration, and one week subsequent thereto, and shall be published in one or more of the daily newspapers published in the District of Columbia; and no penalty prescribed for the violation of any of such regulations shall be enforced until five days after such publication. Any person violating any of such regulations shall be liable for each such offense to a fine not to exceed \$100, in the police court of said District, and in default of payment thereof to imprisonment in the workhouse of said District for not longer than 60 days. And the sum of \$2,000, or so much thereof as may be necessary, is hereby likewise appropriated, to be expended by the Commissioners of the District of Columbia, for the construction, maintenance, and expenses incident to the operation of temporary public-comfort stations and information booths during the period aforesaid.

SEC. 5. That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the committee on inaugural ceremonies such ensigns, flags, etc., belonging to the Government of the United States (except battle flags) that are not now in use and may be suitable and proper for decoration and may, in their judgment, be spared without detriment to the public service, such flags to be used in connection with said ceremonies by said committee under such regulations and restrictions as may be prescribed by the said Secretaries, or either of them, in decorating the fronts of public buildings and other places on the line of march between the Capitol and the Executive Mansion and the interior of the reception hall: *Provided,* That the loan of the said ensigns, flags, signal numbers, etc., to said chairman shall not take place prior to the 24th day of February, and they shall be returned to him by the 10th day of March, 1913: *Provided further,* That the said committee shall indemnify the said departments, or either of them, for any loss or damage to such flags not necessarily incident to such use. That the Secretary of War is hereby authorized to loan to the inaugural committee, for the purpose of caring for the sick, injured, and infirm on the occasion of the inauguration of the President of the United States, March 4, 1913, such hospital tents and camp appliances and other necessities, hospital furniture, and utensils of all descriptions, ambulances, horses, drivers, stretchers, and Red Cross flags and poles belonging to the Government of the United States as in his judgment may be spared and are not in use by the Government at the time of the inauguration: *And provided further,* That the inaugural committee shall indemnify the War Department for any loss or damage to such hospital tents and appliances as aforesaid not necessarily incident to such use: *And provided further,* That the said inaugural committee shall give bond, with security satisfactory to the Secretary of War, to do the same.

SEC. 6. That the Commissioners of the District of Columbia be, and they are hereby, authorized to permit the Western Union Telegraph Co. and the Postal Telegraph Co. to extend overhead wires into the Pension Building, and to such points along the line of parade as shall be deemed by the chief marshal convenient for use in connection with the parade and other inaugural purposes, the said wires to be taken down within 10 days after the conclusion of the ceremonies on the 4th day of March, 1913.

Also the following committee amendments were reported:

Page 1, strike out all of lines 3, 4, 5, and 6, and all of lines 1, 2, 3, 4, 5, 6, and 7, on page 2.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. CANNON. What is it that is stricken out?

Mr. MANN. The section providing for the use of the Pension Building. The amendments which have been read are not all of the amendments. They might as well all be acted on at once, probably.

The SPEAKER. We have not received unanimous consent for consideration of the resolution.

Mr. MANN. It might be easier to get the consent after all the amendments are read.

The SPEAKER. The Clerk will report the balance of the amendments.

The Clerk read as follows:

Line 12 page 2, after the word "Washington," insert the words "under their control."

In the same section, page 2, line 14, strike out the words "which, in his opinion, will inflict no serious or permanent injuries," and insert: "*Provided,* That in his opinion no serious or permanent injury shall be thereby inflicted."

Page 2, line 21, after the word "Washington," insert "under their control."

Page 3, line 6, after the word "be," insert the word "promptly."

Page 3, line 9, strike out the words "to structures."

Page 3, line 10, after the word "spaces," insert "by reason of such use."

Page 3, line 19, after the word "illuminating," insert the words "or other."

Page 4, line 15, strike out section 4.

Page 5, line 21, strike out the numeral "5" after "Sec." and insert the numeral "3."

Page 6, line 12, strike out the words "to him."

Page 7, lines 11 and 12, strike out the words "into the Pension Building."

Mr. MURRAY. Mr. Speaker, reserving the right to object—

Mr. NORRIS. Mr. Speaker, reserving the right to object, I would like to make some inquiry in regard to this.

The SPEAKER. The gentleman from Massachusetts [Mr. MURRAY] reserves the right to object.

Mr. MURRAY. Reserving the right to object, I would like to ask the gentleman from Tennessee [Mr. GARRETT] if there is any urgency for the present consideration of this matter?

Mr. GARRETT. Mr. Speaker, I should like to make this statement. This is a resolution reported from the Committee on Public Buildings and Grounds, of which committee I am not a member. Upon yesterday the gentleman from Texas [Mr. SHEPPARD], the chairman of that committee, after making some inquiries with regard to unanimous consent, went to the gentleman from Texas [Mr. HENRY], chairman of the Committee on Rules, and suggested to him that perhaps a special rule ought to be had for the consideration of this measure. The gentleman from Texas [Mr. HENRY] was compelled to leave the city, and for some reason the resolution was referred to me, being a member of the Committee on Rules. I might say that the gentleman from Georgia [Mr. HARDWICK], who outranks me on that committee, was also absent, as well as the gentleman from Kentucky [Mr. STANLEY]. Another reason the resolution was presented to me was the further one that it seems I was appointed a member of this Joint Inaugural Committee. I suggested to the gentleman that it seemed to be a matter concerning which there ought to be unanimous consent, and that there ought to be an endeavor to obtain that consent before appealing to the Committee on Rules for a special rule for its consideration. And so in that way the matter was left in my hands.

I do not know about the details of the resolution, I will say. This morning I called on the gentleman from Texas [Mr. SHEPPARD], and he informed me it was impossible for him to be here. I then called on the gentleman from Alabama [Mr. BURNETT], who is next in rank as a member of the committee, and he is ill and unable to be here, and in just the last few moments I reached the gentleman from Florida [Mr. CLARK], who is here and is able to explain the details of the resolution. Now, as far as the emergencies detailed in the bill are concerned, I understand it is desired to commence the erection of these stands provided for and the arrangements for the lighting. The bill carries no appropriation.

I yield to the gentleman from Florida [Mr. CLARK].

Mr. CLARK of Florida. Mr. Speaker, I desire to say that the chairman of the inaugural committee represented to the Committee on Public Buildings and Grounds that there was urgent necessity for the passage of this resolution, in order that they might arrange their plans in accordance with the will of Congress. We have cut out of the resolution the use of the Pension Building, and we have cut out of it the appropriation of some \$23,000, as that belonged to the Appropriations Committee, and have made some minor changes in order to make it conform to the general plan of this ceremony. I can not see, Mr. Speaker, that there should be any earthly objection to the immediate consideration and passage of the resolution.

The SPEAKER. Is there objection?

Mr. NORRIS. Mr. Speaker, I would like to ask the gentlemen in charge of this resolution why it is that it has been brought in at this late hour, when there are practically no Members of the House here, when they had all day to bring this in, at a time when we had a large attendance here?

Mr. CLARK of Florida. The gentleman has been here, and he certainly knows that we have not had time or opportunity heretofore.

Mr. NORRIS. I will call the gentleman's attention to the fact that he himself spent more time on what he tried to make us believe was a question of special privilege than would have been needed for the consideration of this resolution at a time when there was an immense crowd here. We also had a large crowd here when the river and harbor bill was under consideration.

Now, I would like to say that I have no disposition to interfere with or obstruct any legitimate arrangement that may be made for the inaugural ceremony, but it does not seem right to me that the gentlemen having this in charge should wait until half-past 6 o'clock, after we have been in Committee of the Whole on this appropriation bill, when it was generally understood that an adjournment was going to take place immediately afterwards, and to bring this resolution in now.

Mr. MANN. Mr. Speaker, if the gentleman will yield—

Mr. NORRIS. Yes; I will yield to the gentleman.

Mr. MANN. This resolution was reported in on the 21st, two days ago. I got the resolution when it was reported in, and the suggestion was made that it might be called up yesterday or the day before, maybe yesterday, when it was proposed to ask unanimous consent. I thought it ought to go over further than that time.

Now, as to the resolution, my understanding is that there is no controversy over agreeing to the committee amendments. One of them strikes out the use of the Pension Building, and another one strikes out an appropriation that does not apply to this resolution.

The resolution gives certain authorizations that are necessary. For instance, it authorizes the Superintendent of Public Buildings and Grounds to permit the use of public spaces by the inaugural committee. Though it is not expressly stated, that means permission will be given for the use of the public spaces for the erection of platforms and things of that sort. Then the resolution gives the District Commissioners the same authority to permit the use of public spaces under their control for the erection of platforms and for the connection of electrical conductors to make the illumination. It also permits the use of flags which are not in use in the hands of the Army and Navy by the inaugural committee, and permits the telegraph companies to extend their wires where they may be needed along the line of the inaugural march.

All of these changes are to be made without expense to the Government, and some of the persons or authorities who are to do these things are under bonds, and all of the spaces are to be restored without any damage or injury, they taking the responsibility. It is the usual resolution that has been passed in Congress for a great many years, and I did not myself suppose there could be any objection to it.

Mr. NORRIS. Mr. Speaker, I have no objection to anything that the gentleman has enumerated. I would not object even to appropriating money to pay some of these expenses. That is not the point. It is the method of adopting it that I object to. We have not done it in this way before. Even if we have done the same thing, there has been no snap judgment taken before.

Mr. MANN. It has been done by unanimous consent.

Mr. NORRIS. We then had to consider the question as to whether the Pension Building should be used.

Mr. FITZGERALD. There is no request for that here.

Mr. NORRIS. The resolution has not been printed and has not been reported.

Mr. MANN. Oh, yes; it has.

Mr. NORRIS. What committee reported it?

Mr. CLARK of Florida. The Committee on Public Buildings and Grounds.

Mr. FITZGERALD. I want to say, Mr. Speaker, that the Senate passed another resolution which carries an appropriation and gives the District Commissioners authority to make certain regulations. The appropriation is to enable them to obtain additional police protection. Those provisions were embodied in this resolution, and the Committee on Public Buildings and Grounds have stricken them out. A resolution separate from this has been pending in the Committee on Appropriations, and that committee has been in conference with the District Commissioners and expects to-morrow to report it, because information has been brought to the committee that it is necessary to have prompt action taken on the matter.

Mr. NORRIS. I understand that prompt action is necessary.

Mr. FITZGERALD. What I wanted to say was this: These resolutions were scrutinized not only by one committee, that on Public Buildings and Grounds, but also by the Committee on Appropriations and by members of the District Committee, who are all more or less interested in the matter.

Mr. NORRIS. I have no doubt of that. The gentleman from New York [Mr. FITZGERALD] and the gentleman from Illinois [Mr. MANN] recognize that by just such means as this—getting something through against which there might be no possible objection—a precedent will be set which will be used to get through other things that are objectionable.

Mr. FITZGERALD. I do not know about that. This House is pretty critical.

Mr. MANN. There are three resolutions, if the gentleman will pardon me, that will probably have to be passed; one a general resolution in relation to the electoral count in the House, and one in reference to the subject matter of this resolution, and one in reference to making a slight appropriation and authorizing the District Commissioners to make certain regulations which will not probably involve any particular controversy.

I am frank to say to the gentleman, as I said to the other gentleman, that I should not object to the present consideration of any of these resolutions.

Mr. NORRIS. I would not, either, at any reasonable time.

Mr. MANN. I think no one has any objection to any of them, and I think they do not involve any controversy. Of course, if they did, that would be another matter.

Mr. NORRIS. I will say to the gentleman from Tennessee [Mr. GARRETT] that if no one else objects I will not enter any objection to this, but I wanted to call attention to the fact that it did not seem to me it was the right way to do it.

Mr. GARRETT. I will say to the gentleman from Nebraska that I am in sympathy with his idea that matters of legislation ought not to come up under unanimous consent as a general

proposition, except under a rule which has been fixed for it; but I think the gentleman from Nebraska realizes that this is a peculiar and unusual situation.

Mr. CANNON. But the gentleman has withdrawn his objection, and we are all hungry. Why not pass the joint resolution?

Mr. MURRAY. Mr. Speaker, I withdraw my reservation of the right to object.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The SPEAKER. If there be no objection, the Chair will put all these committee amendments at once.

There was no objection.

The committee amendments were agreed to.

Mr. MANN. Mr. Speaker, there is an error in the print on page 6, line 10. The word "chairman" should be "committee." It is evidently an error in the print.

The SPEAKER. If there be no objection that correction will be made.

There was no objection.

The joint resolution as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

Mr. CLARK of Florida. Mr. Speaker, I move to reconsider the vote by which the bill was passed, and I move to lay the motion to reconsider on the table.

Mr. MANN. I hope that will not be considered a dilatory motion.

On motion of Mr. CLARK of Florida, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

HOOR OF MEETING TO-MORROW.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent that when the House adjourn to-day it adjourn to meet to-morrow at 11 o'clock a. m.

The SPEAKER. The gentleman from Florida asks unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow at 11 o'clock a. m. Is there objection?

There was no objection.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution and bill of the following titles, when the Speaker signed the same:

H. J. Res. 369. House joint resolution authorizing the Secretary of the Treasury to give certain old Government documents to the Old Newbury Historical Society, of Newburyport, Mass.; and

H. R. 27062. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

ADJOURNMENT.

Mr. SPARKMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Friday, January 24, 1913, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (S. 5068) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes, reported the same without amendment, accompanied by a report (No. 1367), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 26943) to exempt from cancellation certain desert-land entries in the Chuckawalla Valley and Palo Verde Mesa, Riverside County, Cal., reported the same with amendment, accompanied by a report (No. 1368), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DENT, from the Committee on the Public Lands, to which was referred the bill (S. 3225) providing when patents shall

issue to the purchaser or heirs of certain lands in the State of Oregon, reported the same without amendment, accompanied by a report (No. 1369), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ANTHONY, from the Committee on Military Affairs, to which was referred the bill (H. R. 21178) to reinstate Frank Ellsworth McCorkle as a cadet at United States Military Academy, reported the same without amendment, accompanied by a report (No. 1370), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Military Affairs, to which was referred the bill (S. 6176) for the relief of Gibbs Lykes, reported the same without amendment, accompanied by a report (No. 1377), which said bill and report were referred to the Private Calendar.

Mr. CANTRILL, from the Committee on Claims, to which was referred the bill (S. 5137) for the relief of Alice V. Houghton, reported the same with amendment, accompanied by a report (No. 1372), which said bill and report were referred to the Private Calendar.

Mr. LEVY, from the Committee on Claims, to which was referred the bill (S. 2311) for the relief of Belvedere Steele, reported the same without amendment, accompanied by a report (No. 1374), which said bill and report were referred to the Private Calendar.

Mr. POU, from the Committee on Claims, to which was referred the bill (H. R. 16895) for the relief of William H. Watt, reported the same without amendment, accompanied by a report (No. 1375), which said bill and report were referred to the Private Calendar.

Mr. HEALD, from the Committee on Claims, to which was referred the bill (S. 7427) for the relief of Edgar Allen, jr., reported the same without amendment, accompanied by a report (No. 1376), which said bill and report were referred to the Private Calendar.

Mr. RUCKER of Colorado, from the Committee on Pensions, to which was referred sundry bills, reported in lieu thereof the bill (H. R. 28379) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, accompanied by a report (No. 1371), which said bill and report were referred to the Private Calendar.

Mr. HEALD, from the Committee on Claims, to which was referred the bill (H. R. 15141) for the relief of Marion B. Patterson, reported the same with amendment, accompanied by a report (No. 1373), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MOORE of Pennsylvania: A bill (H. R. 28377) to provide for the construction of a lighthouse and fog-signal station in the vicinity of Goose Island Flats, Delaware River, N. J.; to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: A bill (H. R. 28378) authorizing the Northern Arapahoe Tribe of Indians to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. BYRNS of Tennessee: A bill (H. R. 28380) to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies"; to the Committee on the Judiciary.

By Mr. BARCHFELD: A bill (H. R. 28381) to provide for the retirement and longevity pay for certain medical officers of the Army; to the Committee on Military Affairs.

By Mr. BROUSSARD: Resolution (H. Res. 786) to investigate the activities of Frank C. Lowry and the Federal Sugar Refining Co.; to the Committee on Rules.

By Mr. MACON: Resolution (H. Res. 787), authorizing the payment of a certain sum of money to Gussie A. Swords; to the Committee on Accounts.

By Mr. HUMPHREYS of Mississippi: Resolution (H. Res. 788) providing for printing certain House documents; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. RUCKER of Colorado: A bill (H. R. 28379) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee of the Whole House.

By Mr. BATHRICK: A bill (H. R. 28382) to amend the muster roll of Company B, Ninth Regiment Pennsylvania Volunteers, so as to include the name of William C. Armstrong thereon; to the Committee on Military Affairs.

By Mr. BROWN: A bill (H. R. 28383) granting a pension to M. M. Sayers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28384) granting an increase of pension to C. C. Stemple; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 28385) granting an increase of pension to Margaret A. Bennett; to the Committee on Pensions.

By Mr. CALDER: A bill (H. R. 28386) granting an increase of pension to Annis Jackson; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 28387) granting an increase of pension to Andrew J. Twombly; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 28388) granting a pension to Jane Johnson; to the Committee on Invalid Pensions.

By Mr. HOLLAND: A bill (H. R. 28389) for the relief of the heirs or estate of Samuel Tucker, deceased; to the Committee on War Claims.

By Mr. HOUSTON: A bill (H. R. 28390) authorizing the Secretary of War to award the congressional medal of honor to Arnold Delfs, late private Company H, Fifth Tennessee Volunteer Cavalry, United States Army; to the Committee on Military Affairs.

By Mr. JOHNSON of Kentucky: A bill (H. R. 28391) for the relief of the heirs of James B. Farris; to the Committee on War Claims.

Also, a bill (H. R. 28392) for the relief of the heirs of William B. Dodd, deceased; to the Committee on Claims.

By Mr. LAWRENCE: A bill (H. R. 28393) granting an increase of pension to Sarah J. Winters; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 28394) for the relief of the heirs of James and Eliza M. Lewis; to the Committee on War Claims.

By Mr. MACON: A bill (H. R. 28395) granting an increase of pension to Samuel Lehman; to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 28396) granting an increase of pension to Edgar Duffield; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 28397) granting an increase of pension to Samuel Dale; to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 28398) granting an increase of pension to George A. Clipper; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 28399) granting a pension to Thomas F. Moore; to the Committee on Pensions.

By Mr. ROTHERMEL: A bill (H. R. 28400) granting an increase of pension to George W. Rank; to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 28401) for the relief of the Louisville Trust Co., administrator of the estate of Emily Oldham, deceased; to the Committee on War Claims.

By Mr. SPARKMAN: A bill (H. R. 28402) granting an increase of pension to Kizzie Gill; to the Committee on Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 28403) granting an increase of pension to John N. Waters; to the Committee on Invalid Pensions.

By Mr. WARBURTON: A bill (H. R. 28404) for the relief of Lewis F. Jones, Frank Jenkins, and Lorenzo L. Broyles; to the Committee on the Public Lands.

By Mr. WILDER: A bill (H. R. 28405) granting an increase of pension to Elijah I. Thompson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BATHRICK: Petition of growers of ginseng, of Doylestown, Ohio, and Mr. A. H. Hinman, favoring an appro-

priation of \$5,000 to investigate certain diseases peculiar to ginseng; to the Committee on Agriculture.

By Mr. BROWN: Papers to accompany bill granting a pension to Marshall M. Sayre; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: Papers to accompany bill granting an increase of pension to Margaret A. Bennett; to the Committee on Pensions.

By Mr. CAMPBELL: Petition of the Methodist Episcopal Church of Mound Valley, Kans., favoring the passage of the Kenyon-Sheppard bill, preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

By Mr. CALDER: Petition of C. H. Van Doren, New York, N. Y., favoring the adoption of the Mall site, as approved by the National Commission of Fine Arts, as a memorial to Abraham Lincoln; to the Committee on the Library.

Also, petition of New York Chapter of the American Institute of Architects, favoring the adoption of the Mall site, as approved by the National Commission of Fine Arts, as a memorial to Abraham Lincoln; to the Committee on the Library.

Also, petition of mural painters of New York City, favoring the adoption of the Mall site, as approved by the National Commission of Fine Arts, as a memorial to Abraham Lincoln; to the Committee on the Library.

Also, petition of Edward C. Schiffmacher, New York, N. Y., favoring the adoption of the Mall site, as approved by the National Commission of Fine Arts, as a memorial to Abraham Lincoln; to the Committee on the Library.

Also, petition of Brooklyn Chapter of the American Institute of Architects, favoring the adoption of the Mall site, as approved by the National Commission of Fine Arts, as a memorial to Abraham Lincoln; to the Committee on the Library.

Also, petition of C. H. Caldwell, New York, N. Y., favoring the adoption of the Mall site, as approved by the National Commission of Fine Arts, as a memorial to Abraham Lincoln; to the Committee on the Library.

By Mr. CARY: Petition of the Garage Equipment Manufacturing Co., Milwaukee, Wis., favoring the passage of House bill 27567, for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. DONOHUE: Petition of the Philadelphia Board of Trade, Philadelphia, Pa., favoring the passage of Senate bill 7503, for a 1-cent postage rate; to the Committee on the Post Office and Post Roads.

By Mr. DYER: Petition of the Brecht Co., W. B. Rose Supply & Construction Co., Mr. Sterling E. Edmunds, and Mr. Nathaniel T. Lane, of St. Louis, favoring passage of House bill 25685, which provides for the labeling and tagging of all fabrics and articles of clothing intended for sale which enter into interstate and foreign commerce; to the Committee on Interstate and Foreign Commerce.

Also, papers to accompany bill (H. R. 22056) relative to claim of Clayborn M. Perkins; to the Committee on Claims.

Also, petition of F. E. Kettner, relative to standing by the Uncle Sam Oil Co., for the protection of its stockholders and the right of the people; to the Committee on the Judiciary.

Also, memorial of the Philadelphia Peace Society Association of Friends, favoring the striking out of the clause in the Panama Canal act granting free toll to all vessels engaged in coastwise trade of the United States; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Central Trades and Labor Union of St. Louis and vicinity, relative to facsimile letters signed by L. L. Kensinger, indicating that arrangements for the transportation of the defendants in the Indianapolis dynamite case had been made 40 days before the jury's verdict had been reached; to the Committee on the Judiciary.

Also, petition of Otto Eich Engineering Department, Koerber Brenner Music Co., Rudolph Wurletzer Co., Bollman Bros. Piano Co., and Mr. W. L. Meyers, of St. Louis, protesting against section 2 of the Oldfield patent bill, for the preventing of the fixing of prices by the manufacturers of patent goods; to the Committee on Patents.

Also, petition of the National City Neat Lubricating Oil Co., of St. Louis, and the Benoist Aircraft Co., favoring the passage of a certain section of the naval appropriation bill which provides for a sum of \$15,000 for an aeronautic laboratory; to the Committee on Naval Affairs.

Also, petition of Corliss, Coon & Co., St. Louis, Mo., protesting against the reduction of the tariff on cuffs and collars; to the Committee on Ways and Means.

Also, petition of Fred Evertz & Sons, St. Louis, and the First National Bank of Kansas City, Mo., favoring passage of House

bill 27567, for 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of John W. Davis and others, favoring the passage of House bill 1339, granting an increase of pension to veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

By Mr. HUMPHREYS of Mississippi: Papers to accompany a resolution providing for the printing of certain House documents; to the Committee on Printing.

By Mr. KNOWLAND: Petition of Gen. George A. Custer Council, No. 22, Junior Order United American Mechanics, Oakland, Cal., upholding the position of the United States in the canal controversy; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Bay Cities Church Extension Society of San Francisco, Cal., favoring legislation for an increase in the number of chaplains in the United States Army; to the Committee on Military Affairs.

By Mr. LEE of Pennsylvania: Petition of the Association of Eastern Foresters, Trenton, N. J., protesting against the passage of legislation to transfer the national forests to the States within which they lie; to the Committee on Agriculture.

By Mr. LINDSAY: Petition of C. H. Blackall, of Boston, Mass., favoring the adoption of the Mall site and the design as approved by the National Commission of Fine Arts as a memorial to Abraham Lincoln; to the Committee on the Library.

By Mr. MOTT: Petition of mural painters of New York, the Architectural League of New York, and the Illinois Chapter, American Institute of Architects, favoring the adoption of the Mall site as approved by the National Commission of Fine Arts for a memorial to Abraham Lincoln; to the Committee on the Library.

By Mr. REYBURN: Petition of the Art Club of Philadelphia, Pa., favoring the adoption of the site and design as approved by the National Commission of Fine Arts for the memorial to Abraham Lincoln; to the Committee on the Library.

Also, petition of the Association of Eastern Foresters, protesting against the passage of legislation transferring the national forests to the States within which they lie; to the Committee on Agriculture.

By Mr. ROBERTS of Massachusetts: Petition of citizens of Everett, Mass., favoring the passage of the Kenyon-Sheppard interstate liquor bill for the prevention of shipping liquor into dry territories; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Michigan: Petition of citizens of Walled Lake, Mich., favoring the passage of Senate bill 4043, preventing the shipment of liquor into dry territory; to the Committee on the Judiciary.

Also, petition of citizens of Walled Lake, Mich., favoring the passage of the Jones-Works bill for limiting the number of saloons in the city of Washington; to the Committee on the District of Columbia.

By Mr. TILSON: Petition of the Connecticut State Grange, protesting against any change in the present tax on oleomargarine; to the Committee on Agriculture.

By Mr. VARE: Petition of Olva B. Johnston, president Baldwin Locomotive Works; the Philadelphia Electric Manufacturing Co., and 212 other firms and individuals of the city of Philadelphia, Pa., favoring the passage of legislation for the building of the 1,700-foot dry dock at the Philadelphia Navy Yard; to the Committee on Naval Affairs.

By Mr. WILLIS: Petition of Raymond Robbins and 30 other members of the Boy Scouts of America, of Ada, Ohio, favoring the passage of the McLean bill for Federal protection of all migratory birds; to the Committee on Agriculture.

SENATE.

FRIDAY, January 24, 1913.

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, our heavenly Father, Thou art our exceeding great reward. Thou knowest the way we take and art acquainted with all our ways. Without Thee we could not live; without Thee we dare not die. There is none on earth that we desire beside Thee, and whom have we in heaven but Thee? Thou art able to deliver us from every fear and to present us before the throne of Thy presence without fault and in exceeding joy. Look with tenderness, we pray Thee, upon the Member of this Senate whose heart has been saddened by death. Uphold him by Thy spirit and comfort him with Thy presence. In the name of Him who abolished death and brought life and immortality to light hear our prayer. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. CULLOM and by unanimous consent, the further reading was dispensed with and the Journal was approved.

GEORGETOWN BARGE, DOCK, ELEVATOR & RAILWAY CO. (H. DOC. NO. 1303).

The PRESIDENT pro tempore (Mr. GALLINGER) laid before the Senate the annual report of the Georgetown Barge, Dock, Elevator & Railway Co. for the calendar year 1912, which was referred to the Committee on the District of Columbia and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 20680) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, asked for a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of South Carolina, Mr. BURLINSON, and Mr. GILLET managers at the conference on the part of the House.

The message also announced that the House had returned to the Senate, in compliance with its request, the bill (S. 4355) incorporating the National Institute of Arts and Letters.

The message further returned to the Senate, in compliance with its request, the bill (S. 4356) incorporating the American Academy of Arts and Letters.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8768) to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6380) to incorporate the American Hospital of Paris.

The message also announced that the House had passed a joint resolution (H. J. Res. 380) authorizing the granting of permits to the committee on inaugural ceremonies on the occasion of the inauguration of the President elect on March 4, 1913, etc., in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

H. R. 8768. An act to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia;

H. R. 27062. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. J. Res. 369. Joint resolution authorizing the Secretary of the Treasury to give certain old Government documents to the Old Newbury Historical Society, of Newburyport, Mass.

SENATOR FROM MONTANA.

Mr. DIXON. Mr. President, I have the honor to present the credentials of Hon. THOMAS J. WALSH, elected a Senator of the United States from the State of Montana for the term beginning March 4, 1913.

The PRESIDENT pro tempore. The credentials will be read. The credentials of THOMAS J. WALSH, chosen by the Legislature of the State of Montana a Senator from that State for the term beginning March 4, 1913, were read and ordered to be filed.

SENATOR FROM NORTH CAROLINA.

Mr. OVERMAN presented the credentials of FURNIFOLD M. SIMMONS, chosen by the Legislature of the State of North Carolina a Senator from that State for the term beginning March 4, 1913, which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. BRISTOW presented a memorial of sundry citizens of Hutchinson, Kans., remonstrating against the enactment of legislation providing for the parole of Federal life prisoners, which was ordered to lie on the table.